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JARed FLAG

The crimes of JARed FLAG

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PUBLISHED and COPYRIGHTED

by

JARED FLAGG

NEW YORK, 1920

Eighth Edition—Part 1 }      This issue to consist of  
Second Edition—Part 2 }      One hundred thousand copies

## TO THE READER

Part I. of this book originally appeared under the title of "Flagg's Flats." It was written in 1907—not published. No publisher would accept the manuscript—fearing he might become implicated legally. A few typewritten copies were read by my friends all of whom advised me not to have it published on the ground that it might cost me my life. But at that time I was recklessly indifferent. Nothing cuts deeper than undeserved slander and I had been cut to the quick.

Finally a printer was found who said:—"Give my lawyer time to examine the Court records and if he tells me that the statements contained in your manuscript are true I will print the book if it costs me my liberty." Mr. Charles Francis said this and in 1908 the first edition came out. Seven editions followed each larger than the preceding one.

In 1917, Part II was added and a new title substituted.

Anything worth reading at all is worth reading carefully. If you read this book take your time. In writing it I have made no attempt to palliate my faults and make my side appear better or the other side worse than the facts justify. It is a simple narrative—a true story—relating to certain events (many illegal, a few legal) given in the order in which they occurred without embellishments—a copy of the Court files—not so much what I say as what the records say.

The facts prior to these publications have appeared only in the Court records. Few read the records; few, therefore, are familiar with the facts in my case.

JARED FLAGG.

P. S. There is no such thing as criminal slander. One person can say anything about another and the other persons only redress is by civil procedure; but let him put it down in black on white and it then, if false, becomes criminal libel. The difference between talking and writing, slander and libel, is jail. If the author "goes up" the printer is liable to go with him.

Over ten years have passed since the first edition (Part 1) was published. Over ten years ago I sent marked copies to all the newspaper editors and the public officials therein denounced. I accused them respectively of being liars, scoundrels, thieves, blackmailers, perjurors and forgers; then folded my arms, so to speak and waited to see what they were going to do about it. They didn't do anything —didn't even let out a peep. And from that day to this I have not heard one word from any one of them. I have however, heard many expressions of righteous indignation from others, and have received no end of commendatory letters from friends and from utter strangers. Have also received (and executed) orders from all the largest public libraries and all the greatest educational institutions in the United States. In short, it has fallen to the lot of few men, in any sphere of life, to be felicitated and feated as I have been since I wrote and published this book.

## LETTERS FROM UNIVERSITIES

### YALE UNIVERSITY LIBRARY.

New Haven, Conn.

Mr. Jared Flagg.

Dear Sir: I take the liberty of asking whether a copy of your "Flagg's Flats" could be deposited in this Library for the use of future students and investigators in genealogy and history.

Assuring you that the book could be put to no better use, I remain,

Yours respectfully,

J. C. Schwab,  
Librarian.

### HARVARD COLLEGE LIBRARY.

Cambridge, Mass.

Jared Flagg, Esq.

Dear Sir: My attention has been called to the publication named below and to the desirability of placing it in this Library for the use of professors and students of the University.

The work not being readily procurable through the book-trade, I venture to ask that the Library may be favored by the gift of a copy. Your kindness in this matter will be highly appreciated.

William C. Lane,

"Flagg's Flats," by Jared Flagg. Librarian.

COLUMBIA UNIVERSITY, IN THE CITY OF

### NEW YORK. LIBRARY.

Mr. Jared Flagg.

My dear Sir: My attention has been called to your book entitled "Flagg's Flats," and if you will present a copy to this Library we will be very glad to receive one for preservation among our collections.

Very truly yours,

W. D. Johnston,  
Librarian.

### LIBRARY OF PRINCETON UNIVERSITY.

Princeton, N. J.

Jared Flagg, Esq.

Dear Sir: I am advised a book called "Flagg's Flats" is to be desired for this library, and, being privately printed, is to be had only from you.

It would be much appreciated if you should see fit to promote the usefulness of this library by giving or selling us a copy.

Believe me, Yours very truly,

E. C. Richardson.

## VASSAR COLLEGE LIBRARY.

Poughkeepsie, N. Y.

Mr. Jared Flagg.

Dear Sir: We very much desire to have in this library a book entitled "Flagg's Flats," of which you are the author, but we have learned that it is not for sale. If we may not buy a copy, may we beg one? There is much interest here in the subject with which it deals.

Very truly yours,

A. Underhill,  
Ref. Librarian.

## THE JOHN HOPKINS UNIVERSITY

Baltimore, Md.

Mr. Jared Flagg.

Dear Sir: The library of the John Hopkins University would be pleased to receive a copy of "Flagg's Flats." Upon its receipt a suitable acknowledgement will be sent.

Very truly yours,

Dr. M. L. Raney,  
Librarian.

## CORNELL UNIVERSITY LIBRARY

Ithaca, N. Y.

Mr. Jared Flagg.

Dear Sir: The Cornell University Library has a considerable number of books on municipal government of cities and kindred topics, and would be much pleased to add your work, "Flagg's Flats."

If you are willing to send one to our library it will be regarded as a great favor.

Yours respectfully,

Andrew C. White,  
Asst. Librarian.

## UNIVERSITY OF MICHIGAN.

Dear Sir: We have five copies of your book, "Flagg's Flats." If you can spare another copy it would be much appreciated by the following: Miss Mary Pratt, Librarian, Mitchell Public Library, Hillsdale, Mich. Please send C. O. D., direct to Hillsdale.

Thanking you for your kind response to our former request I am,

Very gratefully yours,

Theo. W. Koch,  
Librarian.

UNIVERSITY OF PENNSYLVANIA,

THE LIBRARY

Philadelphia, Pa.

Mr. Jared Flagg.

Dear Sir: I have heard that recently you have had printed a book entitled "Flagg's Flats," which is of great interest and importance in connection with the Municipal Government of New York City, showing the misrule, etc., which has been carried on there. May I ask you if it is possible to send a copy of this book to the University of Pennsylvania Library? We would be very grateful to you if you can comply with this request.

Very truly yours

Katherine S. Lieper,

Assistant Librarian.

THE UNIVERSITY OF CHICAGO.

(Founded by John D. Rockefeller)

Office of the Librarian.

Chicago, Ill.

Mr. Jared Flagg.

Dear Sir: We have heard of a recent book published by you, and entitled "Flagg's Flats." If it be not asking too much we should be very glad to get two copies, one for our General Library, and one for our Dept. of Political Economy. If you can oblige us in this way, kindly send them by express, collect.

Truly yours,

Zella Allen Dixson,

Librarian.

SYRACUSE UNIVERSITY.

Syracuse, N. Y.

Mr. Jared Flagg.

New York City.

Dear Sir: Would it be possible for our library to obtain a copy of your book, "Flagg's Flats"?

Yours very truly,

M. J. Sibley,

Acting Librarian.

THE WELLESLEY COLLEGE,

My Dear Mr. Flagg: The Wellesley College Library desires a copy of your book, "Flagg's Flats."

Very truly yours,

H. St. B. Brooks,

Acting Librarian.

THE COLLEGE OF THE CITY OF NEW YORK.  
Mr. Jared Flagg.

Dear Sir: If you will send us a copy of your work, "Flagg's Flats," we will gladly defray cost and make the book accessible to readers in our library.

Yours truly,

Henry E. Bliss,

Deputy Librarian.

NEW YORK UNIVERSITY SCHOOL OF LAW.

Washington Square, East, New York City.

Jared Flagg, Esq.

Dear Sir: May I request a copy of "Flagg's Flats" for our Law Library, 32 Waverly Place, New York City? We shall appreciate it, I assure you.

Very truly,

Leslie J. Tompkins,

Secretary.

UNIVERSITY OF SOUTHERN CALIFORNIA

College of Liberal Arts.

Los Angeles, Cal.

My dear Mr. Flagg: We would like very much to have a copy of your book, "Flagg's Flats," in our library. What would be the cost?

Very truly yours,

C. N. Brown,

Librarian.

DE PAUW UNIVERSITY

Green Castle, Indiana.

Mr. Jared Flagg.

Dear Sir: Will you kindly send a copy of your book, "Flagg's Flats," to our library? It would be appreciated here. We have a debate in preparation on the subject of city government, and would find it especially useful.

Very truly yours,

L. M. Powell,

Librarian.

Ann Arbor, Mich.

## CRIMES OF JARED FLAGG

### PART 1 CHAPTER 1

It is dangerous to have an idea. There is no telling where a man with an idea may land. I once had an idea and it landed me in the Tombs.

It occurred to me that the majority of people were honest, and if installment furniture dealers were willing to trust customers ninety per cent of goods purchased it should be safe to trust them one hundred per cent. If it were policy to deliver one hundred dollars' worth of furniture on ten dollars down and take chances on collecting the remaining ninety, it would be feasible to sell one hundred dollars' worth or more without the customary ten per cent deposit. The first large advance payment should be eliminated and the entire bill liquidated by weekly payments. That was my idea and I imparted it to Mr. Jacob Baumann, of J. & S. Baumann, furniture dealers. At first Mr. Baumann did not take kindly to it. "It had never been tried—would be risky", etc. But when a person has nothing to risk, and everything to gain he can talk impressively, and I explained how the system in vogue worked a hardship on young couples; it was deterring many from marrying; it was not so much the inflated installment prices as the large advance payment.

Therefore, I maintained that the dealer who had the foresight to adopt my idea would reap a reward.

"If so sanguine it can be worked without loss," said Mr. Baumann, "you advance the first ten per cent and we will then fill orders provided we are satisfied with the references. After we have collected an amount equal to that advanced by you we will return it; but if any of your customers skip with the goods, or return them before we have collected the first payment, you will forfeit your ten per cent. Agree to this, and we will pay you a commission on moneys collected." A contract was signed, and although I felt ticklish in assuming a risk I had urged another to assume I lost no time in beginning operations. An advertisement appeared inviting those desiring to furnish homes on the installment plan without any payment down to call at my office.

A gentlemen called, one about to be married. He knew of a flat that suited "them" but the landlord wanted rent in advance. The gas trust required a cash deposit. The minister expected his fee, spot cash, and would prefer it in gold. Every one wanted cash down except Mr. Flagg, and this was why he had called. They estimated the flat could be furnished for one hundred and fifty dollars but Mr. Flagg, "an experienced furniture man" would know best." Mr. Flagg knew nothing. It depended on his "intended"; if the young woman had ideas there was no computing what it might cost. "Anything that suits me will suit Elphye," he said; but it proved the reverse; everything that suited Elphye suited him. Consequently with Elphye's notions of what might "look cute", the bill amounted to three hundred and fifty dollars. Still as

weekly payments were to be moderate a chattel mortgage was signed, his references looked up and I, as per agreement, deposited with the firm ten per cent of his bill—thirty-five dollars.

At this particular time I may have looked like ready cash but I was pinched financially, my capital being three hundred dollars. Yet, why should I, who had so often staked thousands hesitate now? Nothing is so imprudent as excessive prudence. So up it went—my last dollar—on my idea.

The advertisements drew—the “no cash down” proposition proved attractive. My sales the first week amounted to three thousand dollars, therefore, I made three hundred. The only trouble—it was paper profit. I could see no cash, not even a small balance; my capital was gone; it was “up” as security “in the firm’s bank” and likely to remain there for some time.

If one cannot pay with checks he should pay with notes. No man is too poor to draw a note, therefore bright and early the next week I started for the store armed with a pocket full of blank notes and several customers; one a boarding house keeper, wished to furnish a fourteen room house. My sales that day—not week—amounted to four thousand dollars; that was making money—that was my idea.

Money may not buy happiness but it will buy a lovely imitation. That day I lunched with members of the firm who conveyed to my mind the best was none too good for me. They invited me to make myself comfortable in their innermost private office while “poor devils”—the fifteen and twenty-dollar-per-week-clerks who never knew what it was to have an idea—waited on my customers.

At the close of the day the cashier informed me that a note was not a check. Instead of four hundred dollars, the first payment (ten per cent) to which the firm was entitled, I had tendered a ninety-day note. "This is not in accordance with the agreement," he said: "I am not authorized to accept it—the firm will have to be consulted."

Whereupon I did the consulting, the firm did the authorizing and the cashier accepted the note. The next day without being authorized he accepted another and kept accepting them. And when I intimated that I lacked the wherewithal to pay for my advertisements I was told to draw a note and present it to the cashier, and when I saw and counted the cash it dawned on me, that after all, my notes might be better than I thought they were.

In course of time, the three hundred original capital came back, and as new notes were "floated", old ones were redeemed and real, not paper, profits started to flow in my direction. It had taken time, but when once started they came, faster and faster, larger and larger —one, two, three years, and still they came. Not only the Baumann firm, but five other firms were now contributing to my bank account. One of these—Henry Thousen & Company—became financially involved and in lieu of a cash settlement I was constrained to accept commissions in furniture. Not wishing to have this furniture "eat itself up" in storage I furnished a flat with a view of renting it at a profit.

This was the beginning, this accident, I did not realize it but it was the beginning just the same of the so-called "Flagg Flats". Had I known then what I now know that little five room flat, with its porcelain bath-tub and sta-

tionary ice-box, would never have been furnished by me—not in a hundred years. Yet there is nothing wrong in subletting a flat at a profit. Every human being has the right of habitation, just as he has the right to eat, but no person has the legal right to rent another an abode for immoral purposes. Knowing this, I was particular in procuring a tenant, after which I simply made an arrangement with the janitor to collect the rent and remit proceeds.

The fourth year passed and people still came to purchase furniture without a payment down. My two line advertisements did the work, my business prospered; there was not a cloud on the horizon; even little imitators were no longer in evidence. It seemed at last that I was to experience joy—the joy the rich take in making their dearest friends and poorest relatives green with envy. But this happiness—the ambition of so many—was not for me.

The unexpected happened. The original Baumann firm, the members of which had backed me, was at this time transacting a stupendous business. My trade, although not to be despised, was a bagatelle compared to theirs, but their largest competitor—Ludwig Baumann—was not aware of this and attributed the activity of J. & S. Baumann to "that man Flagg". "He is doing it—he is the one." If we allow him to continue, in time he will gobble up all the trade in town. We do not approve of the no cash down idea; we never heard of selling furniture on such a crazy basis until we heard of Flagg. He has ruined the business, now we will ruin him; we will give him a dose of his own medicine, and they certainly made it interesting for me.

Ingenuity, integrity, sobriety, efficiency and

energy often count as nothing compared to capital. This rival firm possessed power—money—and with it could drive me from the field as easily as I had driven others—little impecunious competitors who had essayed to interfere with my business.

The first gun, or rather broadside, was fired February 25, 1890; and from that day in their particular line of endeavor I cannot say I have been a factor. On that memorable day this rival firm bought a full page in all the leading newspapers, and in flaring type announced they would henceforth sell furniture on the longest credit and without any payment down.

The other firm, J. & S. Baumann, did not wish to aid in putting me out of business but asked if I could afford to expend in advertising five hundred dollars a day. Self-preservation is the first law of nature and in justice to themselves they would have to strike back. There was to be war; thousands were to be squandered in advertising those three little words, "No money down."

A fifty cent advertisement is no match for a five hundred dollar advertisement. And so it came to pass at the expiration of four years that I, who had revolutionized for the time being, the installment business of the city suddenly found myself swallowed up as it were, just as big fish swallow little fish. Unfortunately, however, I was not a bankrupt. Had I at that crucial moment been stranded without a dollar how different it all might have been; how different my life; how brilliant a future I might have had. My reputation was intact; my relatives had not been humiliated and I had not been "damned" by prison bars. But fate was against me; thousands were still to be placed to my credit. Those three potent words had paid a profit.

How was I to invest this profit? Every firm with which I had been associated was in my debt. The money came to them in driplets. At intervals I received, according to agreement, commissions on money collected. The firms would foreclose no mortgages, if buyers made payments however small; therefore bills which should have been liquidated in two years might drag on four or five, and it was to be a long wait. I wanted funds to pay for the necessary luxuries of life and if I waited for the money to come in it might go as fast as it came. But if in lieu of cash commissions I would accept furniture every firm with which I was associated would settle on the spot. And by utilizing this furniture in flats I could derive a permanent income. We usually do that which we deem best under existing conditions, and in the light of the excellent showing made by the first flat I had furnished—the accident—it seemed best to derive a steady income from—rather than draw on—my principal. This original flat had paid a profit of four dollars per week for fifty-two weeks. In renting it I happened to find tenants in all respects desirable and owing to this misfortune my calculations miscarried. Had I leased it to a tenant capable of paying the first months rent but not the second, and after being put to the expense of dispossessing him had I had the good fortune to have found another capable of creating such a disturbance that the owner of the property would have felt it incumbent to have dispossessed me, I might then have been able to form a better estimate of the ultimate profits of the business; but as it was I unknowingly fooled myself by basing my figures on the actual cash showing of this original flat. I said to myself, "If one furnished flat will yield a profit of four dollars

per week, one hundred will yield—four hundred dollars per week." And not many weeks later I had one hundred flats in operation. The furniture firms then owed me nothing and had I stopped there might have made a success of the business, but like many others I did not become conservative until too late. I did not appreciate that my business was running smoothly, well in hand and every detail looked after; nor did I consider that there might be pitfalls; I thought I knew it all so staked all, jeopardized a small certainty for a large uncertainty. I was ambitious and wanted an income of one hundred thousand dollars a year. If one hundred flats could be made to pay a profit of four hundred dollars per week, five hundred could be made to pay five times four hundred, or two thousand per week—one hundred thousand dollars a year. These were my figures; figures usually look better on paper than in real life. However, correct or incorrect, the fact remained that the furniture firms were willing to trust me. With money, money is made. Why not use a little of their money? Why not have five hundred flats? And five years from the day I embarked in the business I did have four hundred and eighty-eight flats equipped to the most minute detail; pictures, linen, silver, china, cooking utensils and all. To facilitate business I ran an upholstering shop, a carpet cleaning establishment, a crockery and tin-pan store, and laundry in which three thousand of my sheets were washed each week. I employed book-keepers, collectors, janitors, night watchmen, scrub women, painters, paper hangers and plumbers, by the year. Also a bed-bug gang—the only one of its kind ever organized in the United States.

About this time every one, it seemed, had

heard of the "Flagg Flats;" and as a result money flowed into my office like water but it also flowed out. Owners of flat property entreated me to buy. They told me to name terms and I named them. And on May 1, 1894, I held title, as shown in the Hall of Records, to over half a million of flat property all of which has since advanced enormously in value. I would ultimately have owned all free and clear had not the police manifested a disposition to go into business with me.

To this I objected.

I told Captain J. J. Donohue, of the West Twentieth Street Police Station, and Captain James K. Price, of the West Thirty-seventh Street Police Station, and Captain Martins, of the East Thirty-fifth Street Police Station, that if I were a person who would engage in a disreputable business I could see some object in taking them into partnership, but as I was not such a person would share no profits with them. In confirmation of this I here quote from the minutes of my flat trial (which will be described in subsequent chapters):

"Captain Donohue wanted one hundred dollars a month and I would not give it to him (this was before I was indicted) and McConville came to me (after I was indicted) and said I was a fool and standing in my own light: that if I would arrange with the Captain substantially I could be protected, and I said, 'I'll give you nothing; I am engaged in a lawful business, and I will give you or your Captain nothing.' "

This statement I made in Court under oath and it stood uncontradicted to the end as I shall show hereafter by excerpts from the Court Records. I was firm because I believed my position impregnable. From the start I had been animated by a desire to succeed;

not to destroy myself; and, aside from right or wrong, I knew that one disreputable tenant might drive ten reputable ones out. Every superintendent I had, subsequently testified that I had given orders to dispossess, at any cost, questionable characters who might gain admittance. My jury heard this and other evidence and so acquitted me of the charge that I knowingly rented flats to disreputable persons.

It is not the act, it is the intention. Was it my intention to bring notoriety on my relatives and myself? This is the question; and those effected should have answered it before passing censure. They should have considered my intentions; and my object in having explained at length all the circumstances which influenced me to embark in the flat business is to refute the charge that I deliberately engaged in the business for the purpose of renting my premises to dissolute persons. Even recently, years after having been acquitted of this offence, certain newspapers despite the court records have published that I was adjudged guilty of the infamous charge. And many persons who read newspapers but do not read court records believe me a vicious character. The police, however, not only the blackmailing but also the honest members of the force know the truth. Police Commissioner Parker, Chief of Police Moses W. Cortright, Inspector Schmittberger, Police Captain Chapman, Central Office Detective Mason, and other honest members, have said that it was "handed out" to me.

It was "handed out" to many according to the following:

Captain Donohue's salary was \$2750. per year. In 1914, several New York daily papers stated that: "forty thousand dollars in

cash was found locked in his private desk in the West 20th St. station house."

Detective McConville's salary was \$1050. per year, but according to the newspapers, his wife, when suing for a separation in 1914, stated he was worth over \$200,000. The New York World published, Sept. 24th, 1914, " x x McConville was said from time to time to be one of the richest men on the force."

These two professional blackmailers, Donohue and McConville, wanted money, not law, and imagined I would scare at the sight of gold shields and brass buttons and disgorge as others had disgorged; but when they discovered they had encountered a man who would abide by his decision they assumed a different attitude; and then—not at the beginning—I was given to understand in language more potent than polished that I could take the consequences.

I took them.

Two days after this final warning Police Captain Donohue and his "man Friday," Officer McConville, on ex parte evidence—which is no evidence—secured an indictment against me.

I quote my lawyer addressing the Court:—"That was the 23d of May, and on the 25th of May these two people alone—the law requires that the indictments shall contain the endorsement of all the witnesses examined before the Grand Jury—and these two did not invoke the aid of anybody—but Donohue and McConville alone, two days after the refusal of Flagg to submit to their demands, procured this indictment on ex parte evidence."

What is a Grand Jury? What is an indictment? What is ex parte evidence? Webster's Dictionary defines a Grand Jury as one to decide whether an accused person is to be placed

on trial. If he is, then this Jury issues a document called an indictment. If, before issuing the indictment, the members of said Jury care to hear both sides of the story they can send for the accused person and hear what he has to say on the subject. But they did not send for me; they did not hear what I had to say; they simply indicted me on what is called ex parte evidence.

The definition of ex parte according to Webster's Dictionary is "one part;" that which is brought forward as evidence by one side only.

And it was on such evidence that I was indicted.

Captain Donohue did the swearing and his "man" McConville, the corroborating, two days after I had been warned that I could "abide the consequences." Donohue who at the time had never been in one of my flats and was not acquainted with a single one of my tenants, testified before the Grand Jury that he personally knew my tenants were immoral and knew I knew it.

What do you think of that for ex parte evidence?

And the "man Friday," who at the time did not even know me, what did he do? He kissed the bible and to make himself solid with his master, Donohue, swore he did know me. I quote from the Court records: "On the 25th of May, 1894, McConville went before the Grand Jury and swore to this indictment against Flagg. McConville then comes before this jury and swears he never saw Flagg until the 31st of May, 1894. He swears that he was one of the witnesses upon whose testimony this indictment on the 25th of May was found; and he swears before you thereafter in his direct examination, and again three times in

his cross-examination, that he never saw Flagg in his life until the 31st of May, 1894."

When it comes to perjury there may be those in the "department" who can equal Barney McConville, the ex-truck driver, but they cannot beat him.

But what does a newspaper reporter or "space-writer" care for justice? All indictments look alike to them. So long as it was an indictment it was news. News to a "space-writer" means money and in head-line letters it was announced to the public "Flagg is indicted." How, and by what means, whether by ex-parte evidence, whether by perjured testimony or honest testimony, they did not state, and did not care.

I quote from my lawyer's opening address: "The constitutional right of every defendant—of every man charged with crime—is that he shall meet his accusers face to face; that he shall have the right to cross-examine and examine the witnesses against him. But on the 25th day of May, 1894, in secret, without notice to this defendant, without giving him an opportunity to defend himself, two police officers get access to the Grand Jury. You have preliminary magistrates. The law says that every man who is arrested is entitled to an examination. This is his constitutional right under the statute, and of this right, this defendant, Jared Flagg, was robbed."

The papers made no mention of this act of thievery. They informed the public an indictment had been handed down and this was sufficient to make my business, social and fair weather acquaintances, and many of my relatives, look upon me askance. Had they known the truth they might have regarded the matter differently, but barring Donohue and McConville no one knew the truth. No one at

that time knew the indictment was putrid except these two. They also knew if they attempted to press it for trial they would be jailed as perjurors. As a matter of fact it never was and never will be tried; it was only a trick to blight my reputation and place me at their mercy.

It is difficult to comprehend the depravity which exists in the police department. We clothe our officers with power which the corrupt ones abuse. We enact laws relating to prostitution of no value to us, but invaluable to them for blackmailing purposes. Is it surprising, therefore, that these uniformed thieves became solicitous as to the chastity of my tenants?

With this indictment for a club they now could demonstrate the terror of my position which they did by having me arrested, not as they ordinarily arrest one charged with a misdemeanor (as I was) but as a felon or some treacherous desperado.

A misdemeanor is not a crime. If a person throws paper on the side-walk, if he smokes in a public conveyance or if he raises his voice he commits a misdemeanor; or if he happens to have a tenant who sings too loudly (although he may know nothing of it at the time) he, as landlord, can be charged with a misdemeanor for "maintaining a nuisance" and convicted; the extreme penalty for which is a fine of five hundred dollars and imprisonment for one year in the county jail. This is the "heinous crime" of which I was convicted.

The endorsement on the indictment upon which I was tried reads, "Guilty on second count for maintaining a nuisance;" and this was the only thing I ever was convicted of, exactly this and nothing more as the records prove.

And yet, before this conviction Officers

Rohrig and McConville appeared in my office, 242 West 23rd Street, and the first thing I knew I was handcuffed to them and being marched through the streets followed by a small army of people. Did they shackle me with irons because they were fearful I might run away, or to add to my abasement in furtherance of their threat that I could "take the consequences" for refusing to pay tribute to Donohue?

No person who has not been subjected to such an ordeal can realize what it means to be dragged through the streets in this manner. One may read, guess, imagine, but he cannot comprehend all a person suffers. The ignominy, odium and scandal, is enough to fill any self-respecting person with abhorrence. I respected myself but was more determined than ever not to submit to their blackmailing demands. So, in a few days they had me indicted again and again threw me into a cell; and again indicted me—and again and again. Five indictments—five counts in each—twenty-five "cooked up" complaints, all secured by the same witnesses and on the same bogus charges, with bail bonds running high into the thousands.

Then it was that the newspapers issued "extras," and that people "said things."

"He must be innately wicked, a dangerous character. And only to think"—to repeat the words of Katharina—our old nurse, who has lived in the family forty-eight years—"he was such a nice boy, so devout. My! My! had I not seen it with my own eyes in the papers, I would not have believed it;" etc.

And my every day acquaintances, some of whom forgot we were acquainted, also "said things." "We know the papers can distort the truth—can make white appear black—can

leave out, add to, rip a man up the back and blast his good name in a day—we know all this but that is not the question; they are pounding him; can we afford to mix in? Can we afford to be seen in his company? If we meet him we will treat him with superficial politeness but that will be all." And for years thereafter that was all.

Men strive to retain social position; it is right they should, therefore, I felt a delicacy in intruding my presence upon them and so held aloof; not that I was embittered; I know how inclined we are to jump to conclusions and how frequently we jump in the wrong direction.

Those who turned their backs were ignorant of the facts; had heard only one side and that, not my side. I wanted my side heard but the police did not. I had pleaded "Not Guilty," which was equivalent to challenging them to confront me in a court of law.

Eight times I appealed to the District Attorney to be brought to trial that I might vindicate my name.

Those who did not look below the surface regarded me with suspicion. But this did not worry the police, who were inflexible in their determination not to have my case go to trial. If anything will make a blackmailing policeman wince it is a jury. He recoils from a jury trial as the "Devil would from holy water"—knowing his methods are not popular with the people. Therefore, they decided to settle their little differences with me out of court and in their own way.

A meeting to this effect was held in the private office of the St. James Hotel, at the time located on Broadway, corner of Twenty-sixth Street.

I quote from my lawyer's summing up: R. S.

Davenport a discharged janitor of Mr. Flagg makes affidavit:- 'I met Captains Donohue and Price by appointment at the private office in the St. James Hotel, January 15, 1895; and Donohue told me if I would go to his lawyer and make affidavit that the flat houses, 225 and 227 West Eighteenth Street were disorderly and that Flagg was aware they were being used for such purposes his lawyer would make it to my interest.' "

Davenport was not averse to selling himself, and after having sold himself to the police offered himself to me. He told me that Captain Price said:- "To keep indicting and arresting Flagg is equivalent to sticking pins in a rhinoceros; no visible effect."

According to his opinion that portion of my anatomy designated by them as hide was too thick, and they finally resolved if ever I were to be brought to terms they must change tactics and they did. They changed them that very day—the day of the secret conclave held in the little back room—the little private office of the St. James Hotel, January 15, 1895.

## CHAPTER II

Pandemonium means Hell, and from that time, January 15, 1895, pandemonium reigned supreme in the so-called "Flagg Flats."

In this chapter I shall say something about "stool-pigeons," and that those unfamiliar with the term may know the kind of bird a "stool-pigeon" is I shall define him. A "stool-pigeon" is a "ward-heeler," a thug, a low down person who for a consideration will do any "dirty work" to accommodate the police.

Immediately after the St. James Hotel meeting the police employed gangs of these thugs to invade my vacant flats and smash dishes, break mirrors and rip up with sharp knives parlor furniture, cane-seated dining chairs, bed spreads, portieres, lace curtains, carpets, rugs, mattresses and pillows. Also to throw tables, chairs, dressers, chiffoniers, pictures and ice boxes down the air shafts. But this was not all, water pipes were cut, flooding the floors and ruining ceilings. Axes were used in demolishing the walls and enameled bathtubs. In my Sixteenth and Seventeenth Street buildings, also at 225 and 227 West Eighteenth Street, and 109 and 111 West Thirty-third Street, access to the toilets could be had from the main halls, and eighty of these expensive china bowls were broken with hammers in one night.

Up-town, down-town, on the East Side and the West Side, locks were broken, doors pried open, and furniture and ornaments which cost

me thousands were stolen or destroyed by these loafers who worked under the direction and protection and in the presence of our uniformed "guardians of the peace."

It is difficult for the unsophisticated to realize how such things can happen in a civilized country but according to the papers of April 5, 1910, it is still going on. To quote the New York World: "The Mayor (meaning Mayor Wm. J. Gaynor) "then proceeded to 109 Mulberry Street, and entered the rooms on the second floor where he found all the furniture smashed and even the bottoms of the chairs torn out. The officer told the Mayor that everything had been destroyed during the recent police raid."

This kind of work coupled with the "third degree" is what the police call demonstrating the majesty of the law.

Once after several of my flats had been wrecked I was, without a complaint having been made, taken by Detective McConville to the West Twentieth Street station house and escorted one flight up to Captain Donohue's private bedroom. The Captain was waiting and requested me to take a seat. For a few moments he eyed me quizzically, and then said, "Well! how do you like it?"

My reply although printable will detract nothing from the narrative if omitted. Suffice it to say no compromise was affected and the reign of terror continued. Every building I had, in every part of the city, was infested not only by "stool-pigeons" but by officers in citizens' attire, "fly-cops" they are called, with orders to "bull-doze" old tenants out and prevent new ones from entering.

Hundreds vacated, the most desirable tenants were the first to leave. Naturally this

exodus impaired my income; with large payments to make, and larger ones coming due, I was in dire straits.

I quote from my lawyer's summing up:- "Flagg's tenants are not only harrassed by 'stool-pigeons' but police detectives. McConville, Rohrig, Cohn, Zimmerman and others have, according to their own testimony, infested his premises for months."

The "stool-pigeons" carried skeleton keys and could open a door in the "twinkling of an eye." They would not only go from one flat to another to plunder and steal, but would occasionally back up a truck, and cart a load of furniture away in a night.

John Dowd, a night watchman employed by me once caught four "stool-pigeons" in the act of loading a truck and threatened to shoot them if they did not replace the furniture. Two "plain clothes men" (policemen in citizens' attire) sneaked up behind, overpowered him, and with the aid of their accomplices—the thieves about to make away with my furniture—clubbed him to a pulp. On the West Twentieth Street Police Station blotter, opposite his name, are written the words, "Resisted arrest." According to the New York American" of January 17, 1915, these beatings are still being administered and police detectives are still offering the same excuse—"resisted arrest."

When the police murder an innocent man these are the two words that let them "down and out." The law accords them the privilege of killing any person who resists arrest, and they assume the privilege of accusing any person of this offense whom they accidentally or purposely kill.

John Dowd did not die that night, but did die shortly thereafter.

Skeleton keys were also used by the police and their "stool-pigeons" when in the small hours of the night they entered my unoccupied flats with their prostitutes. It was nothing unusual in those days on arriving at my office to be informed that in such-and-such a building drunken policemen had caroused half the night with women whom they had brought in from the street.

On one occasion while passing from room to room in showing what I supposed was an unoccupied flat to a prospective tenant, she (the prospective tenant) suddenly "let out" a most unearthly scream and dashed out of the building shouting, "Police! Police! There was no necessity for calling an officer as there was already one in the flat and in bed.

At another time (also in broad daylight) two policemen and a woman slipped in through the basement door of my building, 123 West Fifty-sixth Street and although they ran into the arms of my janitress they brushed her aside and took possession of a flat. Upon receiving this information I communicated with Police Headquarters and an officer was detailed to investigate. Together we hurried to the flat and there they were "big as life," with their helmets off, and "loading up" with whiskey. They were not so heavily loaded as to be incapable of recognizing their brother officer — the "investigator" — and without ceremony passed him the bottle. With head back, eyes closed, he smacked his lips and said, "Hot stuff!" First there were two, then three, and had I complained again there might have been four. So what was the use?

Were I to live that part of my life over I would, on the first demand, throw up my hands and without a whimper let them rob me. Under the law it is as much a crime to give as

to accept a bribe; yet had I ignored this law and parted with my money I would not have parted with my good name. When I think of the "mud" thrown at me because I respected the law and think how difficult the "going" has been in this "mud" and how it has bespattered those near to me, I am frank to admit I would hesitate a long time before again sacrificing the esteem of my fellow beings upon the altar of principal. Self-respect is a poor substitute for the respect of others. We may say we care nothing for the opinion of those who condemn without investigating but we do care. This talk of "living down" a bad reputation is often a delusion and a snare. We have too many business and social functions to perform, and too many troubles of our own to waste time in investigating others. Yet if another is being maligned we find time to listen; and as we are more prone to believe evil than good many believe evil of me. Believe but do not know, and when asked why can advance no reason; but they can talk, and this is how they talk:- "Flagg? What Flagg—Jared Oh! Excuse me. He never wronged me. No! not me, nor any person with whom I am acquainted; but I have heard and read so much. No, I cannot recall just what, but have seen his name in print and know that he had trouble with the police, etc., etc."

The police had trouble with me and I had trouble with them—some of them. Therefore, the question may arise why I remained in the flat business. Why not sell out and be rid of such men—men willing to violate their oath of office for personal gain. But I could not; to sell meant ruination. A person who has saved a little strives as hard not to lose it as the person who has accumulated millions. It is his all. My all was invested in flat property,

but so heavily encumbered that to force a sale would result in losing all. This was my position and the police appreciating my dilemma and to still further hamper me threatened with arrest every owner from whom I leased a flat if he failed to dispossess me. There were about one hundred of these odd flats and every owner with the exception of Mr. Reeder dispossessed me.

These were squally times and it seemed only a question of time before my own bed would be placed on the sidewalk. Yet, in justice to my fellow beings, I must confess there never was a time—not even when things looked darkest—not even when it seemed as if the whole world were going to turn against me—there never was a time that someone—a woman—a man—someone—did not come forward—did not take me by the hand and display traits so noble that I could not and did not for one moment lose confidence in mankind.

Mr. Reeder took me by the hand and said: "I shall not dispossess you."

Gilbert Totten Reeder stands high: and to Captain Pickett, of the West Thirtieth Street police station he said, "Go ahead and arrest!" But Pickett failed to make good his bluff. Other captains however bulldozed my other landlords. They also warned every janitor, clerk and mechanic under penalty of being sent to the "Island" to quit my employ. They quit—all quit—with the exception of two, James Irby and William Young. They were determined to stand by until the "last gun was fired." It was "fired." James was put in a cell in the West Twentieth Street station house and clubbed almost to death, and William vanished that same night. We have our ideas as to what happened to him but no evidence.

Almost ten years have passed and I am told by his wife that she has not seen or heard from him.

Every person in any manner connected with my buildings was arrested or threatened with arrest, and as for myself, I had been arrested so many times I was beginning to get accustomed to it. Once in writing to my father I expressed the opinion that the worst was over as I had not been arrested for four days. But I was mistaken—the worst was to come.

"Revenge is sweet"—they say—but I think the spirit of retaliation, this desire to get even not only redounds to the detriment of the malicious person but draws him deeper into the mire. A man who has the power and yet refrains from injuring those who have injured him is a great man, worthy the esteem of all men, but unfortunately we are not all great, and when the tension of my reason was relaxed then the low, the brute, the animal instinct, itching to get at them was in me.

They—the police—would not "come out in the open" and fight, so I proposed to drag them out.

If a police captain and detective without cause could have me indicted and ruined I felt that with cause I could have them indicted and "broke." While "boiling over" with this spirit of revenge I communicated with the Grand Jury, and asked permission to appear before that honorable body.

A prisoner calls his lawyer his "mouthpiece." At the time I was a prisoner out on bail and wanted to take my lawyer into the Grand Jury room, but they, the jurors, would not stand for it. If I had anything to say I could go in alone, otherwise remain out.

No person, unless he enjoys hearing himself talk, likes the idea of entertaining twenty-five

jurors for an hour or so, but as it was the only way I could wreak vengeance I "braced up" and went in alone. The foreman requested me to be as brief as possible as it was past the closing hour. This tended to disconcert me. Mine was too long a tale, fraught with too many wrongs to skim over lightly, and I asked if I could appear before them the following morning. "No," I was to say what I had to say then or not at all.

The jurors were seated at a long table and I was told to take a seat at the far end; but I stood and without "beating about the bush" proceeded to tell my story. Five minutes—ten minutes—and I kept talking, but they paid little attention; most of them were examining documents and whispering to each other. A few were gazing at the ceiling. One had his watch on the table, and kept looking at it. Everything was cold and formal, and for all the progress I was making I might as well have been soliloquizing. Talking under such circumstances is depressing, yet I had something to say and was saying it. Step by step I was unfolding my list of tribulations. Presently two jurors at the other end of the table appeared interested, at least were looking at me, so I directed my statements to them. Then another excused himself for interrupting and requested that I repeat a statement. This occurrence put me more at ease, and when the foreman asked me to speak louder I accommodated him. By degrees others became interested and I talked to them also. At last the man with the watch put it in his pocket. This was encouraging, and I "warmed up" to my subject. And when he turned in his chair, placed his hand to his ear and leaned forward, I took pains that he not only heard every word I uttered but appreciated its meaning. I told

him and I told them how in five years I had built up a large business; how careful I had been to safeguard it, how watchful, how anxious to hold my tenants; how disastrous it would have been if I had permitted disorderly persons to gain access to my flats. I told how the captains had, despite the good character of my tenants, predetermined to levy blackmail on me, how they with one accord had met and decided to force me to pay to each a stipulated sum, ranging from one hundred to three hundred dollars per month according to the number of buildings owned or leased by me in their respective precincts. I told how they had approached me; how they had each prepared a carefully figured memorandum giving the rent derived from each flat and the profit to me per week and per month; and how they had told me that in my case they proposed to be liberal, were going to permit me to retain half of my money, half of my own profits. In other words, in consideration of supplying the capital and doing the work, I could keep for myself half of what I made, provided I, in consideration of not being molested, passed over in bills, not checks, the other half. I told how I had declined to be a party to such underhanded proceedings, and how they had given me two days in which to consider the matter, and how on the third day I had been arrested by Officer McConville and his "side partner". I also told how I had subsequently called on Dr. Parkhurst, how he had appointed Arthur F. Dennett, Superintendent of the Society for the Prevention of Crime, to investigate—to personally call on all my tenants—and that the report was so satisfactory that Dr. Parkhurst called at my office, and offered me his support. I told how I had called on Mr. Roosevelt, who at the time

was President of the Police Board of New York City, how he had appointed Detective Sergeant Mason (one of the few members of the force in whom he had confidence) to make an investigation of my flats; and how, after reading Mason's report, he (Roosevelt) also had volunteered to stand back of me and do everything in his power to stop further persecution. I told of my interview with Recorder Goff, and how he had advised me to "go over the head" of District Attorney Fellows and ask permission to appear before the Grand Jury. I told them all this, and more, and they listened, listened attentively; there was no longer any whispering, any reading of documents; no longer any looking at the ceiling. Every man in that room was looking straight at me, and I could feel they were "with me"; that they knew I was speaking the truth; and after having detained them long past their closing hour, I thanked them for their courtesy and retired.

This Grand Jury of which Francis H. Leggett, the wholesale groceryman, was foreman, indicted Police Captains J. J. Donohue, and James K. Price and Police Detective Henry W. Schill.

The real way "to get even" is to forget, but, not knowing this then, I thought only of vengeance. Revenge was what I wanted and I got it—furthermore, got all the trimmings that go with it. To say I was "trimmed" does not adequately express what they did to me.

As previously stated, the worst was to come, and it came immediately after these officers (owing to the indictments) had been suspended from the "department". Up to this time I had had a few captains and a score or two of detectives arrayed against me; but now almost a battalion, headed by McConville and

Acting Captain Lynch who succeeded Captain Donohue, were lined up against me and without a semblance of legal evidence swooped down on my flats like an avalanche, broke open doors and cleaned out every one.

"Impossible, preposterous, it could not be done—it would be illegal—the police would not dare to smash doors and raid flats without evidence."

When I hear expressions of this kind I think of the lawyer who told his client that it would be unlawful to lock him up, that it could not be done. "Yes," said his client, speaking from behind the bars "but I am here." And so it was with my tenants—they were there—behind the bars.

Hard working young women employed in department stores and living in my tenement flats were carried off by the dozen in patrol wagons for the purpose of enabling the police to illegally make out a seemingly legal case against me.

To substantiate this I could publish a portfolio full of affidavits but a copy of one will suffice:

City and County of the State of New York—  
Louise Fink, being duly sworn, deposes and says that on the 8th day of October, 1894, in the East Thirty-fifth Street Station-house, about 7:30 in the evening, she heard the Captain of Police in charge of such precinct make use of and say the following words, or words to the effect to certain prisoners in the said station-house bearing the names of Addie Smith, Josephine Merrit and Lizzie Gregory, to wit:—"There is no occasion to carry on and cry so, girls, for if you set up no defense and plead guilty and swear

Flagg knew you were using his flats for immoral purposes, we will let you down light to-morrow morning at Special Sessions. It is not you that we want to get the dead wood on but Flagg".

LOUISE FINK.

Sworn to before me on this, 12th day of October, 1894.

GEORGE W. MINOR  
Commissioner of Deeds.

Maggie Smith and Anna Chapman, employed in Hearn's Fourteenth Street dry goods store, who were also in the station house at the time, swore to the same fact before the same notary.

The police not only made these unlawful raids but raided flats over which I had absolutely no control.

To dispossess a tenant a landlord is compelled to employ a city marshal. The tenant is allowed three days in which to vacate or appear in Court to show cause why he should not be evicted. If he sets up any excuse the Judge usually extends the time. It is not the landlord but the Judge who names the day on which the tenant must vacate. Until that time the landlord's hands, figuratively speaking are tied; and, if law-abiding, he will obey the law. I am a law-abiding citizen and to exemplify how the police took advantage of this fact it is only necessary to quote from the Court Records:—

District Attorney:—"Did Captain Lynch warn you that the building, 225 West 18th Street, was being used for disorderly purposes?"

Flagg:—"Yes."

District Attorney:—"Did he on May 29th, 1895, notify you in writing to abate the nuisance?"

Flagg:—"Yes. And the next day I noti-

fied him in writing that I had instructed City Marshal James M. Gano to dispossess my tenants, although far from satisfied that they were violating any law.

District Attorney:—"When you heard them plead guilty after they were raided were you satisfied?"

Flagg:—"No."

District Attorney:—"No?"

Flagg:—"No."

District Attorney:—"Well, tell us Mr. Flagg, how many of your tenants were raided during June, 1895, and how many pleaded guilty and were fined?"

Flagg (to judge):—"May I explain under what conditions these raids were made?"

District Attorney:—"I object."

Judge:—"Objection sustained."

Flagg (to the jury):—"Do you want to get at the truth of this matter?"

District Attorney:—"I move to have that remark stricken from the records."

Judge (to court stenographer):—"Strike it out."

District Attorney:—"Answer my question."

Judge:—"Answer his question."

Flagg:—"McConville told them if they would plead guilty and pay a small fine they would be discharged."

District Attorney:—"I move, your Honor, to have that crossed from the records."

A Juryman:—"I would like to have the facts."

Flagg (to Judge):—"May I give the facts to the jury?"

District Attorney:—"I object."

Flagg:—"Naturally, you object."

Judge (to Flagg):—"Any more of this and I shall fine you for contempt."

Flagg (to jury):—"City Marshall Gano"—

District Attorney:—"I object! object!!"

Judge:—"Objection overruled."

Flagg (to jury):—"City Marshall Gano notified Captain Lynch, June 3d, 1895, that at my request he had served dispossess papers on eight tenants in the building 225 West 18th Street and that Judge Joseph H. Steiner of the Eighth District Court had given the tenants until June 10th, 1895, to vacate. They were therefore no longer under my jurisdiction. I had no legal right to put them out. And Captain Lynch of the Sixteenth Precinct knew it; even knew I was to receive no rent, and yet, during this extension of time, June 3d to June 10th, 1895, granted by Judge Steiner, he, Lynch, raided these tenants who in reality and legally were no longer my tenants and arrested me. They told me that McConville had told them if they would plead guilty and swear I knew they were using my flats for immoral purposes they would be discharged. Three did plead guilty, and were discharged in the Jefferson Market Police Court. The remaining five who refused to commit perjury were in jail four days and then discharged as there was no evidence against them. I also was discharged in the Special Sessions Court."

This is the only case on record where three "inmates" of an alleged disorderly house paid fines because they could be coerced into swearing falsely and the "keeper" and five other "inmates" of the same house, on identically the same evidence honorably discharged because they could not be coerced into swearing falsely.

No threat, cell, or promise of immunity could make me acknowledge I was guilty when not guilty. But, it was to be expected that out of the great number of illegally arrested

young women some would swear to anything to regain their freedom.

Before, during and after my trial the animus evinced by Barney McConville, the ex-truck driver, was beyond belief.

I shall never forget a certain afternoon when walking to the West Twentieth Street station house with him and officer Rohrig. My right wrist was chained to Rohrig and as we turned the corner of 18th Street and Seventh Avenue McConville said: "I wish to God I was now leading you to the 'chair' and was to be the one to touch the button that would send you to Hell"—accompanying this remark with an unprintable oath.

Shortly after my trial McConville was promoted. The newspapers when eulogizing him at the time said he was raised to the rank of lieutenant owing to his effective work in the "Flagg case." He did work pretty hard. No matter in what part of the city a flat of mine might be illegally raided it was McConville's function to lead me to the West 20th Street station house and he was "right on the job." I was usually arrested shortly after breakfast, then again in the afternoon and occasionally in the evening. First I was in, then out and then in again, and it was difficult to attend to business.

The situation was simply this: the police who had failed to extort money had had me indicted; and I who had failed to force my case to an issue had had them indicted. Now to be reinstated, it was necessary for them to have me convicted. If convicted they could then move to have the indictment against them dismissed on the ground I was unworthy of belief. This was the reason they were so eager to "frame up" a case against me. I

quote the words of my lawyer addressing the jury: "It was admitted in open court by District Attorney Fellows himself that this prosecution held the balance for Police Captains Price and Donohue, and that other members of the force are in danger; that the charges against them might be multiplied; that Captain Price is awaiting the fate of the indictment against him; that the police have been so informed in this court house and by the District Attorney of this County in person, at the Bar of the Court of Oyer and Terminer, that upon the outcome of this prosecution against Jared Flagg depends the fate of these police captains and detectives.

So you see the terrible influence at work from this police center to induce you to convict this defendant!"

Realizing the unfair means adopted by the police to ruin my reputation in order to save their own I felt that if their illicit acts could be ventilated in court it would go a long way towards helping me vindicate my name. If there is to be a fight the people want to see a fair fight. Figuratively, I had been knocked down by a foul blow and I wanted to stand up and fight for my rights. Our greatest glory is not in never falling but in rising every time we fall. But there were others who cared nothing for my rights, who were interested only in themselves; whose only desire was to see the matter "hushed up." They felt that there had already been too much publicity. "Never mind about your name, let it be forgotten; never mind about vindication; never mind what the public may think of you, we stand high in its estimation and cannot afford to have your case go to trial owing to the stigma which will attach itself to a case of this character." This is what certain relatives of mine said; but they were not near relatives; not brothers, sisters or parents.

Late one afternoon one of these relatives called. He found me in my bedroom; I had no office; I was a bankrupt; and the following conversation took place: "Judging from your environment you seem pressed for ready cash."

"I am."

"The only time money will do you any good is when you have none. You make money but what do you do with it? You are not a drinking man. Do you gamble it away?" he asked.

"Never lost a dollar gambling."

"But you have lost everything?"

"Everything." I said.

"Even your reputation?"

"Yes."

"Well," said he, "you have disgraced us; look at your brothers; see the position they hold in society; I should think you would want to hang your head in shame and sink into oblivion, yet I see by the papers you contemplate airing yourself in a public court. When does your case come to trial?"

"It is now on the Calendar and liable to be reached at any time," I remarked.

"You know best, but if I were in your position I know what I would do."

"What?" I asked.

"Quietly pack my trunk and cross the pond."

"If it would cramp you financially to cross the river how could you cross the ocean?" I inquired.

"Don't let that worry you; you will be supplied with funds; I will arrange all that."

"What! You advise me to run away, leave the country?"

"This is not the only country," he said.

"But it is my only country, and you advise

me, an innocent man, to leave it forever?"

"It might be best," he thought.

"Best! How best? Are you aware that I have committed no crime—have done no wrong? I am charged with having committed a misdemeanor, but that is not a felony, and even if convicted—though innocent—I would still be as much a citizen of the United States as you."

"That's not the question," interposed my relative, "we do not say you are guilty—it is the notoriety we dread."

"But I will be acquitted—vindicated."

"That makes no difference. The papers will talk and this notoriety is offensive to the family. We have a name to preserve."

"Yes," I said, "but have I no right to defend myself? How about my name?"

"It will be forgotten. If you go away it will all die out; people forget; and we will not be subjected to this everlasting scandal."

"And to end it you would have me become a fugitive from justice, a criminal in reality?"

"I do not say that," he said.

"But that is what it means," said I. "It means that you would have me become an exile; would have me leave my native country and go to some foreign land, never to return, isolated, banished for life from kindred, friends and all I hold dear. It means you would have me leave them all, violate my oath, forfeit my bail bond and go."

"Your bondsman is rich! he would not care."

"Not care! and on my bond for seven thousand dollars?"

"It's a bagatelle to him," my relative remarked.

"But he is a friend, a real friend, he is trusting me, he has confidence; and you would

ask me to shatter that confidence, betray that friendship and abscond, run away, sneak away? Oh! no—not I! Never! Not if I were to be electrocuted! You do not know me; I am not one of that kind. When my case comes up, when the Clerk of the Court calls out, 'Jared Flagg to the bar,' you will see me there! I will face my accusers, and if the case goes against me will take my medicine like a man. There's the door—Good-day."

## CHAPTER 3

When a person of wealth is accused of a crime and escapes punishment we attribute it to his money; but in my case the money was on the other side. Everything tending to militate against me the police possessed. They pulled "every wire," controlled every wheel of the vast machinery; and what is more worked them for all they were worth.

When Theodore Roosevelt heard of the underhanded tactics he was incensed. The records of the police board meeting, held August 9, 1895, show that he declared I was being persecuted and that he proposed to have it stopped; and it was no fault of his that it did not stop. He did everything in his power to see that justice should be done, but what could one man outside of "Tammany" accomplish against an army entrenched in the Fourteenth Street Wigwam?

In this connection I insert a copy of a letter sent to Mr. Roosevelt by A. F. Dennett,

### "SOCIETY FOR THE PREVENTION OF CRIME.

No. 105 East 22d Street,

New York, August 12, 1895

Theodore Roosevelt, Esq., Police Com.

300 Muberry Street, New York

Dear Sir:-

I notice by the papers that you are going to give Jared Flagg a hearing. I think you are right and am sure Mr. Flagg will be able to back up all his statements. While I do not regard him as a saint by any means yet I feel sure he has been persecuted by the

police since he went before the Extraordinary Grand Jury and they have retaliated by driving him out of business.

Yours truly,

A. F. DENNETT, Superintendent."

Doctor Parkhurst was also incensed when the facts were placed before him.

Ordinarily a mere misdemeanor could have been disposed of in ten minutes, but there was more to my case than appeared on its surface. The bad name of the department was at stake. If a police officer considered it wise to pay fifteen thousand dollars to be made a captain, and in 1895, this was the market price, the amount demanded for the privilege of blackmailing people in his precinct; what was to become of him if suspended? Where did his fifteen thousand come in? Who was to make good? These were momentous questions. No wonder the court room was packed to the doors with policemen.

In all the history of New York, in all the history of the police department, I was the first citizen to have two police captains indicted and suspended. I had according to their code of ethics set a bad precedent. I had given testimony and the Grand Jury had believed me. It was now up to them—the police—to impeach this testimony, not only that Donohue and Price might be reinstated but that the bad name of the "department" might be perpetuated; in plain English, that the captains might be able to bulldoze and rob the people in the future as they had in the past. With this end in view several detectives turned out to assist the Prosecuting Attorney and they "rounded up" quite an array of "street-walkers" and "stool-pigeons" all eager to curry favor by testifying according to instructions. To gaze on this throng; to see



**THEODORE ROOSEVELT**  
(Now President of the United States)

**Testifying to the injustice of the charges brought  
against JARED FLAGG.**

*[A reprint from the New York World of Feb. 26, 1896]*



the court room packed with officers; to see the pompous District Attorney and his assistant, the "silver-tongued" orator, Lewis, and other attorneys pouring over voluminous portfolios filled with reams of typewritten matter, lying depositions, which had taken months to compile; to see them with their heads together and every now and then beckoning to some inspector, captain or detective, to come inside the railing; to see official messengers dashing hither and thither, forcing their way through the throng as though it were a matter of life or death to obey orders promptly; a casual observer would have supposed where there was so much smoke there must be some fire, some evidence to convict; but it was all one stupendous bluff—there was nothing to it and the witnesses who were to have said so much, when placed under oath and warned by the judge of the penalty of perjury, wilted, and their accusations proved to be mere exhalations of "hot air." But this was not the case with my witnesses, and if any person who questions the authenticity of any statement herein contained will inspect the records of my trial on file in the General Sessions Court he will be convinced of this fact. He will read in black and white what Theodore Roosevelt and Doctor Parkhurst had to say in my behalf.

It was due to no outside influence that these men came forward to defend me. I was not introduced to them by influential relatives. No man amounts to anything who travels on another man's reputation. I introduced myself; went to them as man to man and asked to have my statements investigated. "If," said I, "you become convinced I am being persecuted I want you to stand by me." And they promised, if convinced, to do so. Neither Roosevelt nor Parkhurst will stand up for a

man simply to accommodate him; they must know what they are doing; must know the facts, the man, his past record, before they will take the stand and defend him under oath. Therefore, it was not until they became convinced after a full and impartial investigation that they promised to come forward to support me in my defense.

Could money or influence influence such witnesses? Then why assert without knowing the facts that I have been guilty of wrong doing when men of this calibre knowing all the facts testify to the contrary?

There is a difference between "hearsay" and real evidence. "Hearsay evidence" is never admissible in a court of law. Roosevelt and Parkhurst demanded real evidence, and it is owing to the fact they received such evidence that they did not qualify statements or mince matters.

When the suave and oily Prosecutor Lewis pleadingly asked Doctor Parkhurst in his sweetest and most persuasive tone of voice if he really wanted the jury to understand that he—the Doctor—had absolute confidence in Mr. Flagg's word, Doctor Parkhurst, answered, as per official court record, "Yes, sir! That is just what I wish the jury to believe."

By asking this question Prosecutor Lewis established my reputation for veracity. Here was Doctor Parkhurst of world-wide fame testifying in open court, and when asked if he had absolute confidence in my word (without qualification) said (and I am quoting from the court records):— "When Jared Flagg makes a statement I believe him."

This reply was so different from what Prosecutor Lewis expected that it made him dizzy, and he was quick to use his smelling salts which fortunately he had with him.



REV. DR. C. H. PARKHURST

(President of the Society for the Prevention of Crime)

"When Jared Flagg makes a statement to me  
I believe him."

[reprint from the New York Herald of Feb. 26, 1896]



In important trials we frequently hear the question asked, "Will the defendant take the stand?" It would seem that any person, guilty or not guilty, if accused would want to say a good word for himself. But the moment he does, a hundred or more may testify against him. The moment an accused person takes the witness stand, that moment, in the language of lawyers, "he opens the door" and opposing lawyers are no longer legally confined to the specific charge for which he is on trial. By taking the stand he places his character at stake. His past life, his record, is at issue; and if it can be shown by witnesses that his reputation is questionable their testimony can be used against him in arriving at a verdict. But if he refrains from taking the stand in his own behalf, evidence relating only to the specific charge of which he is accused can be submitted and considered by the judge and jury. This explains why lawyers when defending clients with "shady reputations" prefer not to permit them to take the stand. But my character is not and was not "shady;" my past life was clean; cross-examination had no terrors for me; there was, there is, no page in the book of my life that cannot be opened. Therefore I took the stand, which was equivalent to saying, if any person in this community or in any community has aught to say against my character bring him in; "the door is open;" I am here waiting to confront him.

But did anyone enter? Not a soul who could question my veracity or character; not even those whom I charged with attempted extortion.

I quote the words of my lawyer:- "Jared Flagg has lived in this community twenty-five years. He has borne a good reputation as the evidence in this case proves. Not one human

being has appeared against it; the door was open and Mr. Flagg invited attack by taking the stand and his Honor will so charge you. When we put his character in issue we offered conflict to the Prosecution. It was a challenge to put upon the witness stand any man or woman who from the beginning of the defendant's life down to the day of his trial could assert aught against him.

Yet, with all the venom evinced in this case; with the terrible consequences to the police of a verdict of acquittal to incite their zeal and awaken malicious inquiry; with all the police officers involved in this prosecution; with Donohue who was indicted; with Price hanging between heaven and earth on the result of this case; with the incentive terribly impressing itself upon him; throughout this broad land, in all the days of this trial, not one human creature could be found to come upon that stand to say that Jared Flagg was not a peaceable man, an honorable man, a moral man and a good citizen.

He stands unchallenged, uncontradicted, unsullied before you upon the witness stand, without—as the evidence in this case shows—a blemish upon his name."

The Court Record shows that my lawyer was not interrupted when making the foregoing statement notwithstanding that District Attorney Fellows and five assistants were listening and eagerly waiting for half a chance to "call him down."

When he informed the jury that I stood unchallenged, uncontradicted upon the witness stand without as the evidence showed a blemish upon my name the Prosecuting Attorneys remained silent; had it not been true, all six would in the "twinkling of an eye" have been on their feet objecting.

They kept me in the witness chair three days; I was cross-examined by five different attorneys and although the Record shows that not one word of my testimony was contradicted no mention of this fact was made by the newspapers; on the contrary certain editors and persons intimated that the charge of blackmail was set up by me that I might pose as a persecuted person.

For a year prior to my trial Captains Donohue and Price had been going about interviewing reporters and telling politicians with a "pull" and ministers with influence that I had invented this yarn about blackmailing simply to awaken public sympathy. All this talk had its effect. It affected Father Ducey and it moved the Reverend J. A. B. Wilson to such an extent that he felt constrained not only to lunch with me but to appear against me at my trial.

I quote from the Record:- Mr. Flagg: "Mr. Wilson called at my apartment and said if I would manifest a contrite spirit, admit I was a sinner, withdraw my charges against the police, and incidentally defray the cost of having electricity installed in his church located on Eighteenth Street, West of Eighth Avenue, he would intercede for me at the Throne of Grace and pray that I might be saved from the wrath of the world to come."

Persons who believe one side of a story until they hear the other said they did not believe any member of New York's "Finest" would stoop to blackmail; but why did not the police say so? Why did not Donohue and Price say so when I on the witness stand accused them to their faces of attempted extortion? They heard me. Why did they not deny it? If it were not true why did they not have me sent to prison for perjury? I will tell you why.

There is no law against lying. Every day conversational lying is permissible—not punishable; but there is a law against perjury, which is testifying falsely under oath. Had these police captains sworn to the lies in court that they told out of court I would have had them convicted of perjury. This is a pretty good reason and this is the only reason why they did not dare to contradict me.

If a man makes a statement under oath realizing the consequences of making a false statement and another man also realizing the gravity of an oath says, I do not object to lying a little out of court, but do not ask me to go into court and swear to the lies I have told out of court which of the two is worthy of belief?

What I said against the police I said in court and under oath. What the police said against me was said out of court and not under oath.

I quote from my lawyer: "Donohue will have his character assailed; will be charged on the oath of Mr. Flagg with attempted extortion. and that is the last we see of Donohue. The District Attorney closes his case and I will stop my case right here. I will surrender every right, every privilege that I have and agree, if the District Attorney will call Captain Donohue to the stand to permit him to do so."

Why did not Donohue or the District Attorney consider it expedient to accept this offer?

And Price, what did he have to say for himself?

I quote from my lawyer: "Price will have his character assailed, will be charged on the oath of Mr. Flagg with having attempted to extort a bribe from him and that is the last we see of Mr. Captain Price in his full buttoned and imposing uniform. Mr. Flagg is here, but the conspirators are hidden somewhere, afraid

to face the jury that they have impaneled to try the crimes they have imputed to Mr. Flagg."

The witness who furnished the only fact upon which to hinge the action against me was an aged woman who lived on the top floor of a tenement house located on West Nineteenth Street. This woman complained that my tenants were on the roof one Summer night in 1895, and disturbed her by singing the popular ditty entitled—"She is the Sunshine of Paradise Alley." And for this "crime" I was sentenced to serve thirty days in the city prison and pay a fine of five hundred dollars. Under cross-examination she would not say it was after midnight when the notes from the tuneful refrain first reached her ears, but she would swear she was in bed. Barring the testimony of this one witness the jury disregarded as unworthy of belief every word of testimony submitted against me. And when twelve disinterested men listen for ten long days and evenings to evidence it is reasonable to presume that they are better qualified to render a correct verdict than those who base their opinion on hearsay or newspaper reports. To say that these men failed to do their duty; to say I am guilty and only happened to crawl out by luck is equivalent to saying that those who were not there, who heard no evidence and saw no witnesses, know more about the inside facts than those who were there and who heard and saw it all.

To say that this jury—the twelve men there sitting answerable to their Maker—men who had sworn, each of them, "So help me God I will decide this case upon the evidence", to say they did not do so when they brought in the verdict, "Not Guilty of renting flats to be used for immoral purposes or maintaining disorderly houses", is equivalent to saying that each one of them is a liar. No conscien-

tious person would make such a remark. Yet, flippant individuals—the kind who know it all—have made this assertion.

"A general impression prevails", they say, but "general impressions" are not evidence.

The Prosecuting Attorney, in his opening speech said, "A general impression prevails, but I am going to submit for the conscientious consideration of the jurors something more material than general impressions." And placing his hand on a stack of clap-trap illegal documents more than a foot high, said—and I am quoting his words—"I have here indisputable evidence, and am prepared to prove, will prove by it, and by reputable and disinterested witnesses, that the defendant is guilty of every allegation contained in the indictments."

He made this assertion to intensify the "general impression", the impression that those not personally acquainted with me then held, namely, that I was "a bad man."

But a few days later, after he had submitted his evidence for the "conscientious consideration" of the jurors, after every disreputable and interested witness he could muster had been heard, what was it that induced the jury to ignore his alleged "indisputable evidence" and "disinterested witnesses", and to throw out and dismiss twenty-four of the twenty-five counts contained in the indictments?

Let those wiseacres answer this if they can!

The jury acquitted me of the charge of keeping disorderly houses, knowingly renting flats for immoral purposes, violating the excise law and of every other charge with the exception of one, and there was nothing immoral in connection with this one count. It was the most insignificant of them all—that which charged me with maintaining a nuisance by having tenants with operatic inclinations.

If such a verdict was not a vindication I would like to know the definition of the word "vindication".

This petty offense, for which any owner of flat property might be held accountable, was the only thing for which I was ever placed on trial and yet columns have been written by men who were paid because they possessed the faculty of writting sensationaly. To write as I am writing, the truth, is easy. A schoolboy could record facts but to artistically distort the truth requires talent. The scribes who have featured me possessed talent and as a result of their aptitude in juggling words thousands have been led to talk. They have talked behind my back; they have insinuated, intimated, suspected, surmised, presumed, assumed, asserted and declared that the innuendoes heaped upon me were true, but what have they proved? Nothing! Absolutely nothing!

From the day I was born, from the day I left my native town, New Haven, a boy of fifteen, and came to New York to earn my livelihood, down to the day of my trial, no human being has ever been able to produce a scintilla of evidence to prove or to show or even tending to show that I am not an honest man, a law-abiding man, and a man of decent moral character.

## CHAPTER 4

Only a few minutes after the verdict had been brought in the afternoon papers issued extras: "Flagg Guilty."

"My God, he's guilty!" people said as they rolled up their eyes and spoke in stage whispers. But guilty of what? To this day not one person in a thousand can answer that question. Even those who should have ascertained the truth before placing me under a ban know little or nothing about the matter. There are two sides to every story and this is the first time my side has appeared in print but do not imagine I am posing as a martyr. The wrongs endured by me are trivial compared to the woes of some others. In the name of justice unjust acts are constantly committed. Under the head of news falsehoods are circulated. Had the press informed the people of the real offense for which I was adjudged guilty I would make no protest; but for sensationalism which means circulation the truth was perverted.

From an editor's standpoint nothing succeeds like circulation, and what did these editors care for me? I have sued half the newspapers in the City; and as I have never instituted a suit without provocation I have seldom lost one. Yet whatever cash damages I have received will not obliterate from the minds of the persons who have read the articles the impressions formed. Nothing has appeared or will appear in the papers to show

that these articles were false or that the publishers had to pay damages for publishing them. Editors would not consider such news sufficiently sensational to interest the public.

Certain persons entrusted by the people to administer the law impartially have been partial in their treatment of me. Yet I am told that I have reason to be thankful—I did not lose my life. When I think of the gun-men, the "stool pigeons" and the corrupt police influence, I suppose I ought to be thankful I am still on earth.

It would be interesting if some person, who could, would explain why they took my case, a paltry misdemeanor, to the General Sessions Court, a tribunal in which only felons and murderers are tried. The records show that no person accused of a misdemeanor was ever tried there before or has ever been tried there since.

What kind of political influence enabled them to block the wheels of this great temple of justice for almost a fortnight while the attorneys wrangled over the morality of my tenants?

Why was it that they exacted from me bail bonds ten times as large, ten times as great as was ever known to have been exacted from persons charged with misdemeanors? In my case Judge Newburger refused as security for ten thousand dollars, a bond backed by an equity of one hundred and twenty thousand dollars on improved city property. I quote the words of my lawyer to the court:—"I will put the District Attorney's office to the challenge that there is not a man indicted for manslaughter today whose bail approximates that amount."

Why should they have demanded of me free and clear property appraised by the city at ten

times the amount of the bond required? Why did they discriminate against me? The penalty inflicted for a first offense is usually less severe than for a second. Why was this rule not applicable to my case? The records show that the extreme penalty imposed for a similar first offense (maintaining a nuisance) was ten days or ten dollars; if a bum, ten days "on the island;" if a gentleman, a ten dollar fine. But see what they did to me! Does the law seek to degrade a person before he is tried, or is a person in "the eyes of the law" to be regarded innocent until proven guilty? At divers times, two years before I could force them to bring my case to trial, they dragged me through the streets like some captured outlaw. I was, and I am, a citizen of the United States. I was charged with an offense the nature of which was not serious. Had I been adjudged guilty of every count in every indictment found against me I would still have been a citizen and entitled to all the rights of a citizen.

This is the truth—this is law. Therefore, is there a law-abiding person in the United States who has the temerity to say that he approves of a fellow-citizen being humiliated in broad daylight, on the public streets, as I was? Unless you approve of this form of persecution you should not decry and help to bring discredit on me for having been subjected to it.

The people as a whole have nothing against me and wanted me to have a fair trial; but it so happened that the servants of the people betrayed the confidence of the people and resorted to trickery. Why were the police so bitterly disposed toward me? It was because I would not submit to their demands. No honorable man innocent of wrongdoing would;

but a dishonorable man might pay "hush money" to continue an unlawful business. Because my business was lawful I wouldn't, and if on this account the police with the help of the newspapers blasted my reputation do you consider it just to join with them and so assist in keeping me down? All I ask is fair play; give your fellow-citizen a fair chance; do not "damn him" without being able to give a reason.

All through—from beginning to end—I have been persecuted, not prosecuted, and it is about time there should be a "let up".

For years I have been my own master—have worked for myself—and not counting a trip abroad have given myself two vacations, a ten and a five day outing. It is not work that kills us, it is recreation; and barring these fifteen days I have not missed a day from (when in) business in all these years.

Because I do not go through life with a careworn expression and because I appreciate good fellowship does that mean I am lacking in principle? I am not ashamed to admit I enjoy life and the good things in it to the utmost. There have been but few days in my life that I would not like to go back to and live over. The fact that I have not been sick fifty minutes in fifty years—sick enough to lie down—should explode the theory that I have lived too festive a life.

My precepts on health and happiness follow:

Never do anything in a hurry. So vital is this that if ignored every other rule relating to health becomes a joke. Eat slowly, drink slowly, smoke slowly, and if occasionally it will afford you pleasure to make yourself miserable by losing your temper lose it slowly.

Do not anticipate trouble. We all see more or less trouble—most of which never happens.

So do not let fear interfere with your pleasure.

Do not make a tragedy of a comedy by taking life too seriously; yet if you have real cause to worry, worry by all means—if it will help matters. If it will not, do not.

Do not make a Hell on earth—for yourself—by becoming “soured” on the world and blaming all for the unjust acts of a few; or injure yourself by nursing a grudge against anyone.

And above all things do not sap your vitality by associating with persons who pride themselves on being so delicately sensitive that they are always fancying themselves slighted.

It may not be pleasant to be slighted, and it is *not* pleasant to be vilified, yet, if it pleases some to vilify me, let them “damn away.” I do not like it; I want to stop it; I am going to stop it if I can; but, if I cannot, I am not going to fret over it.

As an example of the vilification, the injustice, visited upon me and the discriminating enforcement of the law, take the case of Police Captain Price and compare it with my own. I took the stand in my own defense, I laid my life bare and was acquitted of every charge pertaining to dishonesty and immorality, but was found guilty of a petty misdemeanor (maintaining a nuisance); and immediately thereafter, on the strength of this, Captain Price (with a record so black that even the thought of having his past life investigated in court was enough to make him run like “a whipped cur”) was relieved of the charge of a felony.

The moment I was convicted (of maintaining a nuisance) the indictment against Price was dismissed; and he was not only reinstated but assigned to a precinct where he could with

impunity, under the protection and in the name of the law, persecute the man who had dared to accuse him in open court of attempted blackmail. And be it said to his shame he was not dilatory in availing himself of the opportunity.

Clothe a desperado with police power and you have a dare-devil that no freebooter in the country can rival. He will draw the line at nothing; put up any job; swear away any person's liberty or life to settle a grudge. Price had a grudge against me and with all the swaggering bravado and foul-mouthed insolence of an unprincipled police captain vowed he would have satisfaction.

Now it appears that out of the wreck I had saved one piece of property consisting of two flat buildings located on West Thirty-third Street near Broadway. I held a forty-two year ground lease on this property. It was claimed by Price that one of my tenants had invited some friends to have a sociable game of cards. He further claimed that a dispute arose and one of the guests stabbed another with a hatpin. The visitor supposed to have been pricked with the pin could not be found. The alleged stabber could be found but was not arrested. The hatpin was alleged by Price to be the property of the wife of the lessee of the flat, both of whom put in a general denial. But I, who was not on the premises at the time the game was alleged to have been played, was arrested by Price and held without bonds for examination on the ground that I was an accessory before the fact—implicated in what might prove to be murder.

I have never posed as a saint, but this imputation, murder in any degree, was the "straw that broke the camel's back;" and although Price was reprimanded by the Judge

and the case thrown out of court I then and there "threw up the sponge," threw away my forty-two year ground lease (which has since been sold at an advance of one hundred thousand dollars over the price it had cost me) and quit the flat business a bankrupt.

The enthusiasm was pretty well knocked out of me, and when you lose your enthusiasm you lose your opportunities; yet I kept alive, lived for a year or two without knowing how I lived. Then things instead of getting better got worse; and I existed for a year or two without knowing how I existed.

Had any member of my family known the position in which I was placed he or she would have come to my rescue. But as I felt I had no one to blame but myself I kept to myself. In making this statement I am not exonerating the police or the newspapers but the members of my family and my friends. I had friends, but they were few and far between. People like to draw close to affluence but they instinctively draw away from poverty; therefore, if a person's resources are circumscribed it behooves him to keep making new acquaintances all the time, otherwise in a short time he will find himself sitting high and dry without a friend in the world.

In 1898 I found myself sitting in a small room on the top floor of a building that could not be called modern. I had a few callers, not counting creditors, and one of these callers was named George D. Smith. Smith was a friend, and is to this day. Smith would work for a salary when he could get it. When he could not he would work without it, and it was due to this noble trait in his character that he worked for me so many years.

He was with me when I was up in the world; when I was down in the world; when I was a

creditor; when I was a debtor; and when hundreds of my creditors were howling around me like ravenous wolves. He was with me when I ascended from the depths of poverty and when I descended to the depths of poverty; when I dined at Delmonico's; when I dined at the Diary Kitchen; and when I dined on a loaf of bread; but through it all, in fair weather and in stormy, he was always the same—cheerful and considerate.

The first day he walked into my top-story room he was considerate—he had a loaf of bread under his arm—he did not know whether I had dined, and during our repast the following conversation took place:

"What do they tax you for this place?" asked Smith.

"Ten dollars," said I.

"Not a week?"

"No—a month."

"And how long have you been here?"

"Almost a month."

"Did you have to pay any money on account of the rent before taking possession?"

"Paid all."

"All? In advance?" asked Smith.

"We are not all gifted," said I. "You are the only person with whom I am acquainted possessing the faculty of residing in this town without paying rent."

"I pay when I can; when I can't I do the next best thing—move—you know how I am situated," said Smith.

"Yes, we are both in the same boat, and on the first of the month I may move. Tom, the colored watchman, tells me the landlord is going to ask me to vacate."

"And pray why? You paid one month's rent," said Smith. "You must have a queer landlord if he is afraid to trust you for the next three months."

"That's not it,, I answered. "It's not a question of money but of morality."

Then I explained how a few of my former tenants hearing that I was in hard luck had called; not to ask if there was something they might do, but to do something—to actually offer me money. Until then I did not realize there was so much goodness in the world. And I continued—Smith listened—"Some of my neighbors probably having read and believed without knowing, took it for granted I should have no callers. They probably intimated. Neighbors like to intimate things and one old fossil on the floor below intimated I was fond of women."

"Fond of women," soliloquized Smith, "and a man who is not, is no man, or he is a man with a diseased mind. Must you live the life of a hermit? Have you no right to receive callers? Suppose you were doing business here and had customers, callers, would your landlord object?"

"Perhaps not," I replied.

"Well then," said Smith, "why not tell him you are doing business?" Why not call yourself a theatrical agent. A theatrical agent must have callers; no callers, no business; no business, no rent."

"A theatrical agent!" Happy thought, and I decided to be one, or at all events to call myself one.

"And," said Smith, "If I meet any of our old friends dramatically disposed I will send them up. I will tell them you are a theatrical agent."

"Do it," said I. "I'm sick of idleness; we will put up a sign. What will a little tin one cost?"

"Fifty cents or a dollar, and I know a sign

painter who will trust us," said Smith. "You know the fellow who made your large real estate sign. He got his money—two hundred dollars—and I told you at the time it was extortion; but you handed over a check without a word, and I rather guess that fellow would be only too pleased to paint any sign you might order."

The next day a tin sign was tacked on the jamb of my door in such a manner as to project into the hall. It was not pretentious—simply, "J. Flagg, Theatrical Agent"—but it was hardly up before the landlord came up. Anyone with half an eye could see he was agitated, and to aggravate matters just at this crucial moment Smith was coming down the hall followed by three young women all crazy to go on the stage. Some think a person must be crazy to want to go on the stage.

As Smith and his clients took possession of my office, the landlord out of deference to them requested me to step into the hall and forthwith proceeded to lay down the law.

"A theatrical agent! I wouldn't have one in my building—not at double the rent. I didn't know you were one." And I could not tell him I did not know it myself. There was the sign and there were the would-be chorus girls; but I assured him my business was limited, and this produced a soothing effect on his nerves. I spoke the truth, my business was limited. I had none and knew no more about the theatrical business than the man in the moon, and my colleague—Smith—knew less. Therefore, had Smith not been a truly remarkable borrower as well as a wonderful financier, it is doubtful if the rent would ever have been paid; but as it was we managed to "hang on" after a fashion while three months were rolling by.

One day, when entering the building, I met our landlord going out. "How's business"—he asked. It was quiet, and he remarked encouragingly, "your season will soon be opening; Spring is coming and managers will then be engaging people for their Fall productions."

I acquiesced, although this was news to me, and I imparted the information to Smith. "If," said I, "the season is about to open and if I am a theatrical agent, why not be one?" You never get anywhere if you do not start, and I sent Smith out to discover how the business was conducted. He reported that it was a knotty proposition. The theatrical agents were organized; it took money to join their union. Most of them were personally acquainted with the managers. When an agent procured "talent" he exacted a commission. The custom was for the manager to deduct this from the actor's salary and remit to the agent. Certain managers were friendly with certain agents; they were clannish and an outsider would stand a poor chance of "butting in."

Nevertheless, I decided to "butt," and inserted an advertisement which read as follows: "Attractive young women wanted for light opera chorus," etc.

The first few callers were not sufficiently attractive for stage work, but the third brought a living picture—Ilma Salter. It was the ambition of her life to go on the stage, she said. And we said, "If we cannot put you on we had better retire from business." But I cannot sing," she added, and I told her, "Not to let a little thing like that worry her. If the manager to whom I propose sending you knows his business he will engage you." This was said with the assurance of one who does not know what he is talking about. Yet I had

an idea that theatrical managers were often brought in touch with the human side of life and must therefore be human. I felt that anyone of them would extend a helping hand to this seventeen-year-old girl who was "striking out" in the world for herself, and who was my first real stage applicant; that is, the first I accepted.

In those days I was not only unacquainted with the managers, but did not even know their names. I was aware, however, that there was a man named Oscar Hammerstein who owned a few theatres, and without knowing how he might take it, gave Miss Salter a letter of introduction in which I assured him that any attention shown the young woman would be appreciated by me. "You tell him Mr. Flagg sent you up," I said; "give him this letter and then come back and report."

Both Smith and myself were curious to know the outcome, and we waited and waited, the hours rolled by, but the young woman did not return. It was eleven A. M. when she left our office. Smith had been out and returned and advised me to "forget it." "We shall never see her again," he said. But just then we heard short quick foot-steps coming down the hall and the next moment she burst into our office like a ray of sunshine, with face all aglow and eyes sparkling. Before we could offer her a chair she had dropped into one. "I am engaged," she exclaimed, "engaged! oh! I cannot believe it—it seems like a dream; but here is the contract—forty weeks—all costumes furnished—nothing to buy. Oh! I'm so happy; this is the happiest day of my life." And then her eyes became moist, she smiled, she laughed, she put her handkerchief to her eyes, she struggled to keep the tears back, but there was no stopping them, and

she cried for joy. This joy was so infectious that even Smith felt constrained to blow his nose. "Calm yourself, my child; wipe your eyes and tell us all about it," I said. "In the first place, what detained you so long?" "I know I promised to come straight back, but I had to go home—I could not help it—I could not wait, I wanted to tell Mother."

"Is your father living?" I asked.

"No."

"Have you any brothers?"

"A little one."

"And you live with your mother and little brother?"

"Yes," she said, "and eighteen dollars a week! Look! There it is typewritten in the agreement; that is to be my salary—eighteen dollars! And it means so much, so much to us;" and again the tears commenced to "well up" in her beautiful but inflamed eyes.

No man likes to see a woman cry so without intending to be harsh I commanded her to stop, and to "get down to business" and tell us how she did it.

"You did it," she said, "you gave me the letter—it was owing to your influence with Mr. Hammerstein that I was accepted."

Smith looked at me—I looked at Smith, neither smiled. "Well now tell us. You first went to the stage door of the Victoria Theatre?"

"Yes."

"And told the door-keeper you wished to see Mr. Hammerstein?"

"Yes, that I had a letter and the man asked me where I got it. I told him it was a letter of introduction to Mr. Hammerstein signed by Mr. Flagg, the Theatrical Agent."

"But that man does not know me."

"He seemed to; soon as I mentioned your name he said that was all right."

"And you went in?"

"Yes, the doorkeeper pointed to a man and told me to go over and give him the letter—that he was Mr. Hammerstein. It was so dark I could hardly see—coming in from the sunlight—but I walked over and saw a man in his shirt sleeves at work cutting a hole in the stage. I supposed he was some carpenter and asked if he could tell me where I could find Mr. Hammerstein. He said I was talking to him.

"I thought it strange that Mr. Hammerstein should be in his shirt sleeves so asked him if he was Mr. Oscar Hammerstein. He said he was sorry to say that that was his name, and he kept right on working. I waited until he had finished sawing a board and then when he looked up I gave him your letter."

"Did he read it?"

"Why, of course, and told me to follow him. We walked past the boxes, down into the orchestra and up an aisle to his office."

"And?"

"He asked me if I had ever been on the stage and I told him I never had."

"What!" ejaculated Smith—"you said that?"

"Had Miss Ilma attempted to mislead him" I said, "he would have detected it in a minute. She was not talking to a "boob." He would have wanted to know when, where, and with whom."

"He inquired if I could sing; and I said, 'No;' then he asked if I could dance and I said, 'No.' "

"Oh me! oh my!" said Smith.

"And what then?" I asked.

"Then he gave me a letter and told me if I did not procure an engagement to drop in and

see him next week. The letter was addressed to Mr. Witmark."

"Witmark! What Witmark?"

"The Witmark Musical Library and Agency."

"What did Mr. Witmark say?"

"He asked if I could sing, and I told him I could not." Then Miss Ilma proceeded to tell how Mr. Witmark had given her a card to Mr. Ashland.

"Ashland! What Ashland?"

"Mr. Wilfred Ashland—manager of the Witmark Agency."

"And what did he have to say?"

"He wanted to know if I was an alto, a contralto or a soprano, and I told him I wasn't anything."

"And then what?"

"Then he thought I might answer the purpose and gave me a letter to Mr. Aborn."

"Aborn! What Aborn?"

"The Aborn Opera Company."

"And what did he want?"

"He wanted to know what I could do."

"And when you told him you couldn't do anything?"

"He signed the contract—there is his name—and Wednesday I am to begin rehearsing at the Herald Square Theatre. Isn't it grand? Just think of it! I can hardly wait for the day to come. How shall I ever repay you for your kindness? To-morrow Mother is coming down to see you—to thank you—to arrange matters—to pay you."

"Do not talk about pay; we are indebted to you; you have taught us more about the business than we ever knew before," I said.

"Yes—damn the pay," said Smith. "These names are worth money to us. We should pay you, not you us;" and then, apprehensive lest I should think him too liberal, without

making it clear to Ilma he gave me to understand he had, when out earlier in the afternoon, effected an extension of credit with the groceryman, and we were now on "easy street" for at least two days to come.

Ilma Salter was the first person ever placed by me, directly or indirectly, on the stage; and as I look now at her picture, which she signed and gave to me with her best wishes years ago, it takes me back to the old tin sign, the little old dingy office looking out on the airshaft, and the loaf of bread.

This was one case: I could cite hundreds—yes, thousands—some less, some more pathetic; I could fill volumes, I could write of successes and of failures, of hopes blasted and of hopes realized; I could mention names now known on both sides of the water, which were unheard of when first entered on my books. I have placed young women and young men on the stage who have raised themselves and those dear to them from want to affluence; but these were the exceptions; the majority only made a living, yet were none the less grateful; and I can show many letters, sincere letters of heartfelt gratitude, which any man might feel proud to own. Therefore, if you believe happiness consists in making others happy, you can understand how happy I was during the years in which I was engaged in the theatrical agency business. They were the six happiest years of my life.

## CHAPTER IV

The next day Mrs. Salter called to adjust what she believed was her indebtedness to me. I explained it was Mr. Witmark who had procured the engagement and that he would expect the commission. Although Mrs. Salter agreed that this was proper, she thought I also should be compensated as it was due to my personal influence with Mr. Hammerstein that Ilma had met with success. "He was so very considerate to my daughter after reading your note of introduction," she said. But I explained that Mr. Hammerstein did not know me; furthermore, I did not know Mr. Witmark, Mr. Ashland, or Mr. Aborn; never had heard of them until Miss Ilma enlightened me.

This surprised her but nevertheless she was insistent and left a five-dollar bill on my desk. The audacity of desperation had brought us success, and both Smith and myself were now sure there was money in the business. Three months later we were not so sanguine. The busy season had opened and closed and our gross receipts amounted to fifteen dollars.

This was "poor picking;" we both looked seedy; it seemed a forlorn hope; seemed as if we could not hold out another day and yet we struggled on. I kept working and Smith kept borrowing. After six months of this "hand-to-mouth" living we decided to drop the price from five to two dollars, and our receipts quadrupled. This was not saying much, but it enabled us to come a little nearer to making ends meet.

Occasionally some tragedian out of a job would drop in and quote Shakespeare to us, and owing to our forbearance, our ability to listen, also to the fact that we invariably expressed admiration, we became more or less popular with them and they did us many a good turn. Not that we could borrow from them—we did not make the attempt. It is well known in the profession that "tragedians seldom eat." But through them we learned that the Witmarks were one of the most reliable agencies in New York, and that Mr. Ashland of this agency through whom we were now transacting business was universally liked. Nothing ruffled him, not even an impossible voice.

"Why do you not go up and pay your respects to Mr. Ashland?" Smith would say to me. And I would say "What's the use? He is placing eight out of every ten we send up; why not let well enough alone?" And so the months rolled by until a new Spring season opened. Then business "picked up" and we spruced up; we even went so far as to inquire the cost of having a telephone installed in our office.

Just about this time Mr. Ashland wrote a letter requesting us not to send applicants after four P. M., as after that hour he attended to his correspondence. This letter proved valuable; it was *prima facie* evidence that we had a connection with a real theatrical firm. It was typewritten on a Witmark Musical Library and Agency letterhead, and to preserve it I had it framed.

We could now say to a prospective client, "Pay us our fee, and if you are not satisfied with the position come back and we will refund the two dollars." "But," we would add, "there is not much likelihood of this as you

can see we are transacting business with the leading theatrical agency of the city." Then the framed letter would be shown to the applicant. It worked wonders; it was a turning point in our business—this Ashland letter—and one week after receiving it I signed a contract with the telephone trust.

It was a great day for us, the day the telephone was installed. Not that we at this time had any special use for the thing, but others found it a convenience. There are many telephone beggars in the world.

Three years passed and although Mr. Ashland and I had never met, he knew my voice and I knew his over the telephone. We had gradually without contemplating it drifted into one of those mutually advantageous arrangements which often prove more lasting and profitable than a "cast-iron" contract.

One day Mr. Palmer of the Tams Agency called to say he could place young women with good voices. This was a new connection. A tragedian—a friend of ours—had informed him that when it came to chorus singers we were headquarters. Then other agents called and a still greater outlet opened to us. To meet this demand I increased my advertisements. Finally, as it became "noised about" that we could supply the demand, we found ourselves doing business with all the members of the theatrical agents' union.

And so our business prospered. Many an air castle eventually has been erected on solid ground, and we had come up on a solid foundation. Our business had made its own capital, and instead of boards, at the expiration of the first year, we found ourselves walking on ingrain carpet. At the end of the second, tapestry Brussels; at the end of the third, Wilton velvet; and at the end of the

fourth year the trouble commenced.

Up to this time our business had been confined to the agents. We had not dealt with, and were not known to, the theatrical managers. When an agent received an order from a manager for chorus singers he would simply order us to send them to his office.

It was true applicants were obliged to pay, in addition to the agent's, our two dollar fee. But as we kept in touch with every agent in the city, we knew when and where to send clients, and could not only save them time but a vast amount of tramping about.

The agents were not averse to receiving credit for being able to fill any order without delay, but it was my advertisements which brought the people to me thus enabling me to execute the orders I received from agents, and in turn enabling them to execute orders they received from managers. So long as this state of affairs continued the agents were my friends. They were making money, my clients were paying them ten dollars while they paid me two, and yet half of my receipts were going back into the newspapers whereas the agents were not obliged to expend one dollar in advertising. Furthermore, the agents demanded an additional fee for each engagement procured, but I only exacted one two-dollar registration fee per year. For this, I obligated myself to procure any number of stage engagements a client might desire.

This charge was so moderate that without solicitation the majority of my clients returned year after year. It was owing to these renewals that I could see a prosperous future, even if the agents did regard me as a convenience. It was because they regarded me a valuable asset that they kept my name under cover and so kept the managers from discovering the

true source from which the supply came. But the young women (my clients) finally "let the cat out of the bag," and then, as stated, at the end of the fourth year the trouble commenced.

It happened this way: Before a show opened the agents through whom the performers were engaged were permitted to attend the final dress rehearsal, and at its completion the chorus was lined up on the stage and the manager and agents went down the line and checked off the names. This was done to avoid errors in remitting commissions. If an agent claimed he had procured the engagement for a certain person and that person disputed the claim the matter was adjusted. But if no dispute arose the person engaged signed an order authorizing the manager to deduct half of the second week's salary and remit same to the agent entitled to receive it.

To go down the line of a large chorus and identify the right one, or the right dozen, is no easy task. A brunette on the street might be a henna beauty on the stage; a chestnut brown might be a chemical blonde. However, despite the makeup, were all the young women truthful it would not be so difficult to identify them. But some women are given to exaggeration (except when talking of their own age) and some of these chorus girls would give the agent one name and another to the manager and at the last moment "spring" still another on both by exchanging names with each other; anything, in fact, to mix matters and "do" the agent out of his commissions.

It was during these "lineups" at the beginning of the Fall season, after I had been in business four years, that my name was suddenly brought to the attention of the leading managers of New York City. I would receive an order from an agent; I might be talking at

the time in my private office to a young woman; forty or fifty might be in an outer office. I would send the young woman to the agent and request the office boy to pass in the others one at a time, intending to send each one to the agent, but he—the boy—would inform me they had all left, just gone, gone with the young woman I had sent to the agent. But they had no intention of calling on the agent. Oh, no! They were going to call on the manager and so evade paying the agent. One was enough to pay, and after she had called on the agent and ascertained when and where to go she would post the others. In this unfair way the agent instead of making many commissions would make only one.

It was a "mean trick" and I tried in every way to prevent it but was outwitted at every turn. There might be two or three young women in my office when an order came in and I would send them up, and thirty minutes later the agent would "phone" that only one had called, but that there was a bevy of them at the theatre and that this kind of business must stop. They were my clients but how "tipped off;" how they reached the theatre so quickly was an enigma. Still I could not make the agent believe this. Seemingly I had not acted in good faith. As a result of this underhanded business on the part of many of my clients when it came to the final "lineup," roll call—not merely in the theatres but in all the rehearsal halls of the city—I found myself placed in an awkward position.

The fact that I was disgusted, not alone with certain tricky clients but with young women not from my office whom I did not know and yet who claimed to be clients of mine, did not help matters.

It did not help the agents, it simply made it

look worse; and the agents stood by inwardly berating me while they heard my name called all along the line.

A manager would say to Miss..... "Which agent sent you to us?

"Mr. Flagg."

"Flagg? We do not know him; never heard of any such agent."

"Well, he is my agent and he sent me."

"And you?"

"Mr. Flagg."

"What!"

"Yes. He's my agent also."

"And you?"

"Mr. Flagg."

"How is it with you?"

"Mr. Flagg."

"And is Flagg your agent too?"

"Yes, sir."

"And yours?"

"Yes, sir."

"Well, who the blankety blank blank is Flagg, anyway? We gave him no order and will pay him no commission."

"Mr. Flagg asks no commission from you."

"What!"

"He only charges two dollars a year; we have paid him; and can have all the stage engagements we want."

This was news to the managers and they commenced to have visions; commenced to put two and two together; to realize that for some time they had been employing my people although engaging them through the agents. It was now clear, they could see it all; and henceforth would deal with me direct, they would cut out the middleman—the agent.

Subsequently every grand and light opera manager in the City did business with me. This is a sweeping assertion; yet I bar none.

Therefore, it can be seen that I had unintentionally curtailed the income the agents had formerly received.

I had no patent on my way of doing business. Any person could have adopted the same method, only it might have proved a trifle discouraging at the beginning as it had to me. Perhaps more so, as he would have to compete with me; whereas, I had had no competitor. I did not try to compete with the agents. I simply created a business along lines offering the least resistance and called my establishment a theatrical bureau of information. There never had been such a bureau and there may never be another.

When the agents became apprehensive as to what might happen to them they set about to rectify what they were pleased to term an evil. First they called a meeting; a committee was appointed to call on me, to induce me to join their Union. These men placed the matter before me in every light. They were courteous, but cross-questioned me and ascertained that my advertising bills averaged over two hundred dollars a week; and that my net profits compared with the magnitude of my business were trivial. They asked if it was my desire to play the "dog in the manger," and other questions disagreeable to answer.

That evening at dinner I talked the matter over with Smith, and we felt there was a storm brewing. We could feel it in the air. "If we do not tie up with the agents there is going to be trouble." "And if we do, what then?" inquired Smith. "We will be doomed," said I. "The day we join their Union and change our method of doing business we shall have no business. But if we continue on the lines we have adopted we shall soon have it all; We are the fashion; they are coming our way; but

if we charge as much as the others, they will go the other way."

Smith agreed, and the next day I sent a letter to the agents declining the honor conferred by asking me to join their Mutual Protective Association.

A few weeks later ugly rumors floated through the air. My friends heard "things." But the "things" they heard and the "things" I heard the others (those who spread the reports) had heard from others who also claimed to have heard. It was all hearsay, and it seemed as if I never should discover the originators. But these things all "come out in the wash." It is only necessary to wait, and some time, someone will say something, and you will know it all. I remained calm and waited almost three years, and now know it all—the guilty and the innocent.

To display enterprise is commendable, but to adopt sneaking methods to "down" a competitor is contemptible. A man who will resort to an anonymous communication to kill the reputation of another is an assassin—he stabs a man in the back.

By attending to my own affairs I had built up a business that threatened the very ~~exist~~-ence of certain agents. At least they believed such to be the case. but this did not justify them in circulating dastardly lies about me. It seems unbelievable that men however exasperated could resort to the despicable acts perpetrated upon me. In one day thirty anonymous letters were sent to editors of newspapers. They were written with a view of cutting off my source of supply by having my advertisements stopped. If rejected I could not advertise for stage applicants; and my advertisements owing to these letters teeming with false statements were rejected.

But letter writing is a game two can play, and I decided to send a little missive to the editors who had received the anonymous communications. A copy of my letter follows:

New York, 1905

**Business Manager:**

Dear Sir—If the circulation of your paper were doubtful I would not trouble to write this letter; but I know from experience it is a valuable advertising medium important to the welfare of my business, and I trust, therefore, you will give this letter consideration.

For a long time I have advertised in your paper, but a few months ago was warned by certain persons (if you wish, will send you their names and addresses) that my advertisements would be rejected by you, also by other editors. This warning proved true, still I believe when you are acquainted with the facts I shall be reinstated. They are as follows:—September 9th, 1904, I received a letter from the Theatrical Agents' Protective Association of New York City requesting me to be present at a meeting to be held in the Gilsey House the following Tuesday. I paid no attention to this invitation, and a few days later received another communication, of which the following is a copy:

**THE CO-OPERATIVE MUTUAL THEATRICAL PROTECTIVE ASSOCIATION**

Jas. J. Armstrong, Pres. Wm. Morris, Treas.  
10 Union Square 43 W. 28th St.  
Arthur W. Tams, Secy., 109 West 28th St.

New York, Sept. 17, 1904.

Jared Flagg, Esq.

Dear Sir—A meeting of the members of the Theatrical Protective Association will be held in Elks Hall, Majestic Theatre Building, 59th Street, next Tuesday evening, 8 o'clock. We would be pleased to have you present and receive the benefit of your counsel.

Yours truly,

Arthur W. Tams, Secy.

I thanked them for their courtesy, but did not attend.

The same month, September 28th, Heinrich Conreid notified me by letter he would try voices and hear my clients sing at 3 P. M. the following Wednesday in the Metropolitan Opera House.

To prove this, I can show Mr. Conreid's letter. To prove I was unable to fill the order I can produce fifty witnesses—young women who were "afraid to risk it." "Risk what?" I asked. "Being arrested," they said. "For what?" said I. "For being your clients," I was told. And then I discovered my clients were being summoned to appear before the District Attorney. Two had been taken from the New York Theatre, three from their homes in Brooklyn, two from in front of my office, etc. Some person or persons (probably under the impression it was a duty they owed to themselves—not to me) had informed the District Attorney that I was sending people to improper persons. But the District Attorney (in justice to me) before taking action appointed Assistant District Attorney C. W. Appleton to investigate. I also did a little investigating, and, although my clients had been warned by Mr. Appleton not to talk, women will talk and I ascertained who were the instigators.

I employed detectives; we examined witnesses; and one member after another of the Theatrical Agents' Association became implicated. Depositions to prove this are now in the hands of my attorneys, Caruth, Ziegler & Caruth. Having accumulated this evidence I called on the District Attorney and as soon as the facts were placed before him he accorded me protection. This I can prove by a letter dated October 7, 1904, addressed to me and signed personally by William Travers Jerome. I can also prove it by his acts, which speak louder than words. Months have elapsed and the fact that he has acted towards me as he would to any reputable citizen is evidence he had no occasion to act otherwise.

The President of this Protective Association and certain of its members failing therefore in their attempt to inveigle the District Attorney into "co-operating" with them and

utilizing his office for their benefit and my injury concocted another scheme, namely; to cut off my source of supply and at their subsequent meetings boasted that they would put me out of business by having my advertisements stopped. Four witnesses, members of reputable theatrical firms, admit these threats were made and will so testify.

To stop my legitimate advertisements, illegitimate complaints were sent out, and as a result many advertisements, including those which were to have appeared in your paper have been sent back marked "declined." These and the officially dated envelopes in which they were returned I have and can place in evidence to prove that thirty complaints were made in five different states at the same time—New York, New Jersey, Pennsylvania, Connecticut and Massachusetts.

Why these preconcerted complaints? Why are certain members of the Agents' Protective Association so anxious to end my career as a theatrical agent? Are they impelled by a desire to do good? Are they actuated by high principles or high commissions?

The regulation commission is one-half the second week's salary. My charges are less, but at times, if I have no orders, I recommend to my clients agents who have orders. A few years ago I was obliged to send them all to agents for the reason that no manager favored me with an order. Did the agents complain then? Did they question my morality then?

There is not a theatrical agent in this city who has not placed clients of mine on the stage. The very men now denouncing me have made commissions they could not have made without me. If any member of their Union doubts this statement I can refresh his memory by submitting a list of my clients he has placed.

Their Secretary alone has procured engagements for over eighteen hundred. All its members are not against me, and nothing herein stated is intended to reflect on Mr. F. C. Palmer of the Tams Agency who has invariably treated me and my clients with respect. The same is true of Mr. W. Ashland of the Witmark Agency. This firm has

secured stage engagements for more than three thousand five hundred of my clients, and the many courtesies extended by the Witmarks have been appreciated by my clients and by me. We are also indebted to Walter J. Plimmer, Frank Melville, Matt Grau, Frank Forrester and others who have not and would not stoop to underhand competition.

It took time but when it dawned on the theatrical managers that they were employing my people, although engaging them indirectly, I commenced to receive orders direct. Klaw & Erlanger, Frohman, Conried, Savage, Belasco, Shubert, Hammerstein, Thompson, Dundy, Brady, Aborn, Fisher, Ryley, Harris, Hyde, Behman, Hill, Bradhurst, Currie, Ade, Ziegfeld, Liebler, Keith, Proctor, Field, Lederer, Whitney and Frank L. Perley not only have but are at the present time employing clients of mine. I can produce books, letters, contracts and witnesses to prove this statement.

The person does not live who can name a first-class light opera company in the United States (and this means from the Atlantic to the Pacific) in which my clients do not at the present time take part. I mention these facts to show that if some of the agents do not approve of my modern methods of doing business the members of the Profession seem to think pretty well of my work as an agent.

For procuring an engagement and keeping a client at work one entire year I charge two dollars. All told I have over seven thousand yearly clients, and this low commission is pleasing to them, agreeable to the managers and satisfactory to me. But the agents object. They want protection. They have organized a society (eighty-eight in number) for mutual protection and they want it. They want you and every editor to "co-operate" and aid them in protecting themselves against my competition. Previously, that is, before I did business with the foremost managers in the theatrical world it was all right but now it is all wrong—they say—for you to permit my advertisements to appear. If you continue to

do so the members of the Profession will continue to patronize me and in the estimation of many members of the Agents' Protective Association this is cruel to them.

The agents do not support the members of the Profession, the Profession supports the agents; and if the agents are to be deprived from making the high commission which according to the by-laws of their own society they are entitled to make who is going to support them? This is the problem and special meetings have been called to solve it. They have even invited me to give them the benefit of my counsel as per the copy of their letter hereinbefore referred to.

But I maintain that the young women need the money. Those who do not agree with me and who do not know me personally and who are not acquainted with the facts and who do not wish to be acquainted with them say my one aim in life is to decoy stage-struck girls and defraud them. The charge is almost too absurd to notice. Section 5, Chapter 432 of the Laws of 1904 reads—in part—"in case the applicant shall not accept or obtain employment through such agency then such licensed person shall on demand repay the full amount of said fee." Has the law left any loop-hole here to swindle the unwary? And if it had, would I, for the sake of a two-dollar fee, place in jeopardy a one thousand dollar bond, which I have, in conformity with the license law, deposited with the City of New York? But bond or no bond would I ruin a paying business established by honest dealing and five years of hard work by now conducting it dishonestly?

Some of these agents, who attribute the falling off in their business to me, pretend that their finer sensibilities have been shocked because my clients pose. Owing to their influence a great hue and cry has been raised in the theatrical papers. And yet I have never exacted or accepted a fee from a stage applicant for securing posing engagements. Nor have I ever accepted one dollar from any firm or person who has given a client of mine a stage or a posing engagement. This fact I emphasize because reports

by my competitors are being circulated to the effect that I receive the largest kind of fees; that my two dollar yearly fee is a mere subterfuge; and it would be impossible for me to meet over-head expenses on so insignificant an amount. These aspersions are made to create the impression that I must from the necessity of the case be in league with disreputable resorts of one kind or another. But there is not a word of truth in the malicious reports. It's all one damnable lie.

That my clients have earned money by posing I admit. There is not a periodical or pictorial or fashion magazine issued by a daily or Sunday or evening paper in which pictures of my clients have not appeared.

If all the papers were to reject my advertisements how would I fill your orders? If you wish I will send you a list of my young women clients who have posed for your fashion-plate artists and commercial photographers.

Among the illustrators, Charles Dana Gibson and Howard Chandler Christy are my largest customers. Among the commercial photographers, Eddowes Brothers, L. S. White, Sarony, the Tennele Company, the Fashion Camera Company, the Dry Goods Economist, Butterick's and the Illustrated Milliner are my largest customers.

To rebut the testimony of slanderers, I can refer not only to these and others but to an army of clients ready to testify that they have never seen a thing done, heard a word spoken or a question asked in my office which would cause umbrage even to a prude.

If those who intimate my office is not properly conducted dare to make known their identity, I would gladly give them an opportunity to prove their aspersions in a court of law. But they are afraid to face me. If you can show me one complaint signed by a bona-fide client of mine or by her parent or guardian, I will never ask you to insert another advertisement for me.

The possibility of a client of mine having just cause to complain is too remote to consider. The law does not compel me after accepting a fee to procure an engagement. It merely compels me to refund the fee if

I fail to procure one satisfactory to the applicant. It is optional with her as to whether she accepts or rejects any engagement I may offer. I have no jurisdiction in the matter. Therefore, if I comply with the law, and no client of mine has ever accused me of not doing so, how is it possible for her to enter a just complaint against me?

Under the law I am obliged to keep a register in which must be recorded the names of my clients; also the names and addresses of those to whom I have referred clients for work. To omit to enter these names or to substitute a false one constitutes as per section four of the license law, a misdemeanor.

This register, which is examined bi-monthly by government officers, I am willing to place at your disposal to prove you have never received a complaint against me that was not written anonymously, signed fictitiously, or by some person purporting to have transacted business with me, but whose name does not appear on my books. The complaints which have influenced you to reject my advertisements have been made by outsiders, imposters, pretenders, mischief makers, whose aim it has been to inflict—not to right—a wrong.

Yours truly,

JARED FLAGG."

This letter covered the ground; and after reading it and investigating the matter, every editor of every paper who had declined my advertisements accepted them.

And what did the members of the Agents' Protective Association do then? Why, they hired a hall—the Grand Central Palace, Forty-third Street and Lexington Avenue, and January 6th, 1905, invited Frederick L. C. Keating, at that time License Commissioner, to come and hear their grievances. Did he come? He did, and what is more, made a speech. He told the agents how much respect he had for them and how little for the man who would advertise to place women on the stage. He re-

frained from mentioning my name, but they all knew to whom he referred. The more he maligned me the more applause he received, and he grew eloquent. He did not advocate my two dollars yearly fee, but approved of the regulation fee; and hinted that they might even exact from the members of the Profession a commission equivalent to the entire first week's salary and still be within the scope of the law.

Mr. Keating was only thirty-two, and this sentiment, emanating from one so young, elicited prolonged applause.

After he finished his oration, they grasped his hand, pressed it with fervor, and he returned the grip, as much as to say, leave it to me. They left it, and what did he do? He sent an inspector—Mr. G. W. Hamilton—with a stenographer to my office to secure a list of the names of my clients and customers. Not a few but hundreds, beginning with A and not stopping until they had reached Z. These were his orders and Mr. Hamilton obeyed orders.

And what did Mr. Keating propose to do with these names? My clients would not go to him, so he decided to go to them, and if possible coerce them to complain.

To revoke my license without jeopardizing his—his license to act as License Commissioner—it would be necessary to produce a complainant, preferably some person with whom I had transacted business. It was for this reason he wanted the list; and with the hope of discovering some one willing to appear against me, he detailed seven inspectors to scour the city from the Battery to the Bronx. But, notwithstanding that they interviewed hundreds of my clients, they were unable to find one who could, would or did make a

complaint. And after wasting the city's money, Keating gave it up as a bad job.

In the meantime I was doing business. The more the agents kicked, the more I was black-guarded, the more business I did. It is our rankest enemies, not our loving friends, who advertise us. Actors who previously had never heard of me now called and registered. Managers also called, and I was literally "snowed-under" with orders. At times, there was standing room only in my offices.

In addition to the main office we now had five branch offices. To keep them all in operation I issued, in addition to my newspaper advertisements, a circular of which the following is a copy:

**"ADVICE TO THOSE WHO DENOUNCE THE STAGE."**

If a young woman is good looking she knows it; she does not have to be told; and if obliged to support herself why blame her for going on the stage. What legitimate vocation can she adopt that will pay so well or afford so many opportunities for advancement?

The salaries usually paid to chorus singers range from eighteen to thirty dollars a week, and 'front-row' or 'show' girls frequently receive more. Furthermore, if a young woman displays talent, there is no telling how high a salary she may command. It is not, however, always a case of money. The love of admiration, the glitter, the excitement of the life and possibility of ultimate fame are incentives.

If a young woman is imbued with the idea that she may make the hit of her life on the stage (and every great actress has been imbued with this idea) it is a waste of time to try and convince her she may make the mistake of her life.

In denouncing the stage you make her more

determined to 'go on,' or, if dutiful, more miserable by remaining off. It does not cool her ardor; it does not cure her. If she has the 'fever' nothing will cure her—that is, nothing but a dose of the 'real article,' and even this may not prove effective because work we enjoy is not drudgery; work we cannot enjoy is drudgery. Stage aspirants enjoy their work; love their profession; and one who loves the stage as a profession can endure work, and consequently is more likely to meet with success on it than in any other calling.

If a woman has ambition, a good constitution, a cheerful disposition, and is not too old or too young, too tall or too short, too fat or too lean, there is no telling what she may accomplish behind the 'footlights.' Many of the most beautiful women in the world are there and they are workers and enjoy life and are not depraved. A woman can be on the stage and be good even if beautiful.

Although chorus singers as a whole may be more daintily formed and attractive, they are not morally inferior to their sisters who are idling their lives away doing nothing or eking out an existence in distasteful domestic or mercantile pursuits. The good and the bad are to be found among the bad and the good in all walks of life; and if too much attention, too many letters, too many invitations, too many bouquets, and too many admirers will turn a young woman's head, it indicates she has inherited a weak head from her ancestors. Is this her fault? Is it the fault of the stage? On the stage discipline is maintained, and if she will attend to her stage duties and not attend too many wine suppers, she will command respect.

The danger, especially if your daughter has inherited any of your sporty proclivities, will

occur after the show not during the performance. But, if only good has been bequeathed—Inherited—you can repose confidence in your child. If trustworthy, trust her. Nothing causes a young woman greater anguish than to be regarded with suspicion by those whom she loves.

Many parents show faith in their offspring by not trusting them out of sight, and children usually show their appreciation of this style of parental solicitude by making up for lost time as soon as they are out of sight. Enforced idleness and too much chaperoning in time becomes unendurable.

If you wish your daughter to feel that life is worth living you will permit her to be engaged in some pursuit which engrosses her mind. You will not stifle her ambition and deprive her of the satisfaction of earning—for services rendered—an honest dollar. Money earned in the Profession is honestly earned. The stage to-day is not what it was years ago. An ill-bred person will not be tolerated even in a second-rate burlesque company. Many of the most cultured young women (and with the consent of their parents) are now adopting the stage as a means of livelihood. A few years ago this was not the case. I do not mean that good and noble women were not to be found on the stage in days gone by, but never in its history were so many of this kind on it as at the present time.

Those who talk the loudest about the depravities of stage life have had no stage experience. They are ignorant of the facts. They entertain puritanical notions regarding the theatre; they are narrow-minded and afflicted with false pride. Each year, however, as we become more enlightened this prejudice becomes less pronounced. The stage, as well as

the world, is advancing—not deteriorating. Every person cannot join the Profession. We are not all sufficiently prepossessing in appearance; nor have we all the talent to act and to sing and to charm and dance and amuse and interest and entertain and distract the minds of others from everyday cares of life. If a young woman believes she possesses this gift, does it signify she contemplates disgracing herself or friends? And if she attempts to develop it, should she be disinherited and ostracised?

Without occupation there can be no happiness; and life without a future is not worth living. Why then blight the happiness and even the lives of those who wish to be engaged in a congenial and honorable occupation and to look forward to a future?"

Anything improper about this circular?

It was when these circulars, in large quantities, were going out and business was coming in that Smith, who prided himself on never having in adversity or in the joys of prosperity permitted himself to become fascinated with any woman, lost his heart and I lost Smith.

"Nothing is more monotonous than too great a variety." These were his words after his fiancee had persuaded him to eschew theatricals, buy a farm, settle down and live the simple life.

## CHAPTER 6.

Almost two years had elapsed since the over-zealous License Commissioner, Keating, had attempted to block my progress. During these years I had missed my old "stand by," Smith, more than a little, yet I had made progress.

In the latter part of 1905 I let it be known that if any clients of mine were dismissed during rehearsals without being compensated for time lost I would hold the "management" responsible.

It seems that for years it had been a custom when rehearsing a company to hold out false inducements. Day after day stage directors encouraged more to rehearse than they might ultimately require. No salaries were paid for rehearsing, this was understood; but when a young woman was induced to rehearse with the tacit understanding she was to have a contract, and at the last moment, owing to no fault of her own, was told her services would not be required, it was akin to robbery. To keep her rehearsing, spending carfare and lunch money, and at times even pawning jewelry to provide the necessities of life as she struggled on without pay under the mistaken impression she was to be engaged, did not seem like a square deal.

The managers claimed they received no benefit in rehearsing these extra girls; therefore, if dismissed, they should expect no compensation. But I maintained this was not a valid reason. If it did the managers no good

why invariably rehearse a larger chorus than they contemplated employing? Was it not to insure against possible financial loss by having trained substitutes ready to fill vacancies which were liable to occur during the formation of a company?

If a manager insures his theatre against fire and it proves an unnecessary precaution does he derive benefit from his insurance policy? Can he, under such circumstances, compel the insurance company to remit the premium? What right has he then, if he insures his production against disaster and it proves an unnecessary precaution, to compel the young women to remit the premium? Why should they foot his bills? It was the custom, but I decided to change it; not from philanthropic motives, but from selfish motives. We can best help ourselves by helping others, and I proposed to help my clients by rectifying the imposition which had heretofore been practiced upon them. With this end in view I retained counsel and forthwith proceeded, according to section 3221, page 924, of the Code of Civil Procedure of the State of New York, to bring the managers "up with a round turn."

I issued a circular authorizing clients of mine dismissed in this unjust manner to report to my lawyer who would prosecute their claims and pay over to them the full amount recovered without deducting therefrom one dollar for legal fees or disbursements. Although this increased my business it brought down on my head the wrath of the managers who had formerly been friendly. Yet I was transacting more business than ever. The members of the Profession came in droves to commend me for the stand I had taken. It is pleasant to be "lauded to the skies;" we like to listen to it; and to have time to listen I set apart one after-

noon each week and gave a "five o'clock tea." At each affair a different hostess presided. It was a "crush," yet they all seemed to enjoy themselves.

If we cannot get enjoyment out of our business, if we are waiting for a time to come when we can afford to retire and take things easy before enjoying life we may die without knowing what it is to live.

The difference between living and existing is vivacity; and when I think of those days, the life, the sparkling wit, the fun, the pleasant greetings, now only a memory, gone, never to return, I wonder if I am getting out of life at the present time all that there is in life.

At that time I was conceded to be the most extensively advertised agent in the United States. I had practically cornered the chorus girl market; every one said I had them all, and there was truth in it. Even the theatrical papers admitted I was master of the situation. When it came to filling a large order every theatrical agent was at my mercy. By raising a finger I could turn the tide in his direction or in the direction of some other agent or could ignore them all and send my clients direct to a manager. He could not give a show without young women, and if he did not take them from me he could go without them. The fact that I would not permit a client to be discharged during the rehearsing season without compensation might make him "fume," and he might for a bluff "turn down" applicants coming from my office; but in the end he would swallow his pride and take them. Not because he wanted to, but because if he did not take them from me directly he would have to take them from me indirectly, through other agents, as I practically controlled, as stated, almost the entire chorus girl output.

The epithets used by some of these managers and agents at this time in connection with my name did much to make it known, and for quite a period I was the most talked about person on the "Rialto." I was blamed and I was praised. If I happened to drop in at one of the all-night restaurants along the "Great White Way," for every manager or agent, who defamed me when I was not looking, a hundred "show girls" upheld me and drank to my health when I was looking.

But it was not only in New York; the news had "spread like wildfire;" and in Boston, Philadelphia, Chicago, and San Francisco my circulars offering to protect my clients, free of cost to them, were read with avidity; read in secret when in their dressing-rooms with doors locked.

The mere fact that this particular circular was kept away from the eyes of the managers by my clients was enough to make every young woman in the company want to see it and want to know all about it. Men dislike details but women want full particulars. What is two dollars to a "front row show girl" compared with rehearsing two months with the risk of then being dismissed without cause and without pay? It was not to be considered; and when the next rehearsing season came around the two dollar bills flowed into my office twice as fast as they ever had before; and those who paid them were protected, absolutely. We did not lose a case for the obvious reason the managers knew they did not have a "leg on which to stand" and so settled all claims instituted, out of court. Some would reconsider the matter when they realized what might happen to them and would reinstate the chorus singers who had been cast adrift at the last moment.

Thus it can be seen I was successful in rectifying this unjust custom which had existed for years and which, now that I am no longer in the business, again exists.

I have explained in detail why I was not popular with certain agents and managers in order that the reader may understand the motive these men (not all but several) had in combining and in using influence, political and otherwise, to have me driven from the field.

Money, the love of which is the root of much evil, was the moving power. I was a "thorn in the side" to the agents and an expense to the managers, and when you touch a man's pocket you touch him in a tender spot.

## CHAPTER 7.

Nothing irritates like success. My success made many theatrical agents furious. Not all, however, were envious. Some over their signatures assured me that they took no part in the disgraceful proceedings.

The Treasurer of the Theatrical Agent's Society, Webster Cullison, was unquestionably irritated.

Mr. Cullison had on June 21st, 1905, written me that he was in urgent need of young women for chorus work. He had received orders and was unable to fill them. I declined to aid him because I was at the time deluged with orders of my own received direct from managers. After reading my letter to this effect Cullison sent Philip Watkins, manager of his operatic department, to my office to persuade me to execute a part if not all of his order; but it was against my rules to subject clients to additional expense; if I could place them with managers I did not propose to allow another agent to make another fee out of them. But if I could not "book" them and if some other agent could then it became optional with my clients as to whether or not they cared to pay the additional fee.

Watkins explained the situation to Cullison and later informed me that Cullison was incensed for the stand I had taken. Evidently it rankled in his breast a long time, over eight months, as on March 20, 1906, he invited his brother agents whose orders I had rejected for the same reason to meet him in his office Sun-

day evening, March 25, 1906, to discuss (as he put it) "that man Flagg."

In his letter asking me to help him fill orders it was "My dear Mr. Flagg;" but now (as he no longer could see any prospect of making money out of my clients) it was "that man Flagg."

About fifteen agents attended this Sunday night conference and from all accounts they had a lively session. The stenographer whose duty it was to record the minutes had her hands full.

We wanted those minutes. By "we" I mean Assistant District Attorney William Marshall and myself. They might afford us a foundation upon which to base an action of criminal conspiracy. Mr. Marshall tried three different times in my behalf to get them. Mr. Jerome also served papers on Cullison demanding that they be produced in his, the District Attorney's, office, but they did not materialize. Some one, who knows but won't tell, spirited them away. When people simply won't talk it is difficult at the time to prove conspiracy. But if a person has patience and will "bide his time," sooner or later the truth "will out." As stated, I have been biding my time; and now years after that rainy Sunday night, the night the conspirators met in secret behind locked doors in the office of Webster Cullison, No. 1402 Broadway, the truth is unfolding itself before me.

Cullison himself admits this secret session took place on the evening of March 25, 1906 and that they convened for the purpose of discussing me. Just how they discussed me I can not state literally, but judging from subsequent acts it is fair to assume that the spokesman spoke as follows:

Flagg is acting the part of a "dog in the

manger." He is cutting commissions. He refuses to recognize our Union and wants the earth. Our very existence is threatened. If Flagg keeps expanding we may as well close up shop. As he conducts his business lawfully we have no way of revoking his license, but as it is about to expire by limitation the law gives us the privilege to object to his procuring a new one. It is now the 25th of March. Next month he will put in his application for a new license and we shall then have the legal right to pass over that period of his life in which he has been engaged in the theatrical business and rake up his past. We can go away back to the time of the "Flagg Flats" and show from his record when engaged in the flat business that he is not entitled to a license. This will be easy now that we have the License Commissioner and two benevolent women's leagues with us.

If it were our Society only that objected it might occasion comment. People might think we were interested witnesses, competitors; but with the Woman's Municipal League and the Woman's Rescue League as joint complainants it will be different. No person will say these leagues are pecuniarily interested.

Bogart, the new License Commissioner, is anxious to have everything look straight and you cannot blame him. He has only recently been appointed and Flagg might show fight—might attempt to make trouble; in such an event Bogart would rely not so much on us as on the benevolent leagues. Our Society can hardly be called religious and the Commissioner knows and we know that the Mayor would not be likely to extend to us much consideration. But the Mayor or any other man would not dare to intimate that Charlotte Smith, the venerable head of the National and Inter-

national Woman's Rescue League was actuated by other than philanthropic motives. So with the Woman's Municipal League. Look at its board of directors. Those names carry weight. With the co-operation of these two leagues I do not hesitate to say our victory is as good as won, etc., etc.

If the reader cannot understand why the flat business should be connected with the theatrical business let him consider the following illustration: Suppose a physician had built up a practice by charging a small fee; suppose certain other doctors had said to him, "Here! this thing must stop! if you do not charge your patients as much as we charge ours we will bring influence to bear and have your license taken from you. Then if you persist in practicing without a doctor's certificate we will have the authorities jail you." Suppose they had talked like this, and suppose he had said to them: "You can't do it," and they had replied, "Oh, yes we can and we will tell you why." Years ago, long before you thought of becoming an M. D. you owned many flat buildings and some of your tenants on a hot night in the dead of Summer went on the roof and sang, 'She is the Sunshine of Paradise Alley.' This disturbed the "peace of the neighborhood." Think what that means. We do not say you were present; we are aware you were not; we know you did not live on the premises and that you were in Long Branch, N. J. registered at the Ocean Hotel at the time; but that does not exonerate you in the eyes of the law; they were your buildings and your tenants and when on the stand you had to admit it. Therefore you are not a fit person to practice medicine, and we are sure the authorities when appealed to will so decide.

Now the readers if versed in legal lore may understand the connection.

This was my case exactly; only instead of being a licensed physician I was a licensed agent, and the other agents were sure that I was not a fit person to conduct a theatrical agency because ten years previously a few of my tenants had disturbed the peace of the neighborhood; wherefore they appealed to the authorities.

On the first day of each May a theatrical agent's license expires. Then if the agent wishes to continue in business he must make application for a new one; and under the law, as recently amended, it is left to the discretion of the Commissioner as to whether or not he will grant a license. Actuated by prejudice, spite, animosity, political influence, a desire to accommodate friends or to obey the commands of a district leader, or for any other unlawful cause he may say, "In my discretion I decline to issue a license." And the applicant however worthy has no redress other than an appeal to the Appellate Division of the Supreme Court which entails expense and a delay of about eighteen months.

No reason could be shown why my old license should be revoked, and as a matter of fact and record it was not revoked, statements made by the newspapers to the contrary notwithstanding. My enemies were obliged to wait until it expired by limitation before objecting to its renewal. But when the time arrived to apply for a new license my enemies put the so-called benevolent women's leagues to the front.

The fact there had been nothing in the legal or moral conduct of my agency business that any person could object to was not to be taken into consideration. The "Honorable" John N. Bogart, License Commissioner, in the ex-

ercise of his discretion ruled that that had nothing to do with the matter. Did my tenants ten years ago disturb the peace of the neighborhood? That was the question, and to settle it he allowed the allies of the theatrical agents, the so-called women's benevolent leagues, to refer back to my 1896, "flat" trial, and assign it as sufficient cause why I should not in 1906, ten years later, be legally permitted to honorably compete against the agents.

The Agent's Society made no complaint against me, nevertheless certain members were instrumental in securing the services of Charlotte Smith of the alleged Women's Rescue League and Helen Arthur of the Municipal League to aid the Commissioner in "pulling the chestnuts out of the fire," so to speak.

In New York City there are many societies also individuals trying to make a living without working; parasites who eke out an existence by humbugging the people; and the meanest of all are those who obtain money by begging in the name of charity, who pretend to be interested in the unfortunate, but who in reality are only interested in themselves.

These imposters filch money from kind-hearted persons by representing that it will be used in helping the helpless, whereas the major portion is used in helping themselves. To facilitate collections these beggars unite and form what they call a "League" or "Society."

According to the New York American, February 1st, 1915, the Charity Organization Society in its last annual report admits that it cost \$148,308.54 to give \$90,510.25 to the poor. In round figures out of two hundred and thirty thousand, one hundred and forty thousand dollars were "knocked down."

In forming a "benevolent society" the first requisite after the promoters have endowed it

with an impressive name but no cash is to rope in a few estimable women and make a dummy board of directors of them. This gives prestige to the organization and makes it easier for the beggars to obtain money under false pretenses. Reputation is more to these people than justice. They are more anxious to seem, than to be, saintly. They have no respect for truth, care nothing for facts but are slaves to custom. They subsist on public approval and the so-called officers who pay to themselves salaries would bill the town like a circus and blazon their names far and wide if it did not cost money to advertise. It is against their principles to pay for anything, but if they can jump on any one and thereby gain free advertising they will, with or without evidence, pick up their skirts and jump.

The License Commissioner and a few theatrical agents realizing this and the importance of having arrayed against me powerful and seemingly reputable witnesses invoked the co-operation of the aforementioned so-called benevolent leagues. Therefore the question arises were my competitors who had connived with these "Leagues" and the License Commissioner guilty of criminal conspiracy.

When two or more persons combine to injure another's reputation or business that in law constitutes criminal conspiracy.

It has been ruled by a Federal Court that "a conspiracy is a confederation to effect by unlawful means a legal end or by legal means an illegal end. It is not necessary that two or more men meet and formally enter into an agreement or unlawful scheme. It is enough if two or more men in any manner come to a mutual understanding to accomplish an unlawful design. All parties become partners to

a conspiracy even if the part is a subordinate one.

Our statutes insist that at least one shall actually perform some act to effect the object of the conspiracy. The act must be an overt one but not in itself a crime.

The criminal intent to commit the overt act need not be shown. If the acts speak for themselves you are at liberty to infer the intent."

It is for the reader to determine if the acts of those who did or did not appear against me speak for themselves. If they do then according to the Court's ruling he is "at liberty to infer the intent."

I shall refer to the acts of each in chronological order.

Charlotte Smith. Who is Charlotte Smith? She styles herself President of the "National and International Woman's Rescue League." No address.

I quote from the minutes of my third hearing before the License Commissioner:

My lawyer: "Mrs. Smith, where is your league located—your office?"

"We have no office just now."

"Did this league of yours ever have an office?"

(Witness refuses to answer).

"Is it not a fact that your Rescue League is a myth?"

(Witness refuses to answer).

By Lawyer Goodhart (attorney for the alleged Woman's Rescue League): "I object to all further questions about the league. We will allow it to be understood that this witness does not appear here as representing any league but simply as a private citizen."

My lawyer: "This woman has been representing to the public that she is the President

of the Woman's Rescue League. I can prove by affidavits and by the Parkhurst Society that no such league exists and that this woman is an imposter. I also claim the right to put these questions in order to attack the credibility of the witness and this I have a legal right to do."

By the License Commissioner: "You may have that right in a court of law but we do things differently here. I will not allow any questions regarding this league because according to the statement of the attorney who represents this witness no such league appears here or is represented before me."

So much for Charlotte Smith.

Now Helen Arthur. Who is Helen Arthur? She is the legal adviser of the Woman's Municipal League, 19 West Twenty-sixth Street, New York City. But with all the facilities of the "Research Department" of this league at her command she failed to coerce any person (and she tried for weeks) to say aught against me. Furthermore, although she was looking for trouble she failed to discover anything out of the way in the conduct of my business, my customers, my young women clients or my own conduct; and subsequently so stated in writing and I hold the original letter which was given to me after this league had, according to Miss Arthur herself, employed both men and women accomplices to call at my office and try by lying and spying to entrap me. Despite all this Miss Arthur, to accommodate the License Commissioner, although she had no complaint to enter, appeared at my hearing, March 28th, 1906, thereby conferring upon the Commissioner the benefit of the prestige of the league she represented.

Bogart evidently believed it would "clear his skirts" of being in collusion with others to

say the Woman's Municipal League had appeared against me, and so anxious was he to be able to say this that he asked lawyer Arthur (so she says) to be present with or without a complaint, and to accommodate him she was on hand and did the best she could. She "button-holed" the reporters and intimated that "Some day—some day—the Woman's Municipal League now that I am at the head of its 'Research Department' may have a complaint to lodge against Flagg." "Some day—some day"—Lawyer Helen Arthur may become a Justice of the Supreme Court.

Later realizing the gravity of the crime she had committed and having heard that the District Attorney had made demand on Cullison to produce the minutes of the secret Sunday night meeting and fearing a prosecution for criminal conspiracy this weak-minded lawyer in petticoats retracted in writing all she had said against me. So much for Helen Arthur.

Now Goodhart. Who's Lawrence G. Goodhart? He says he is Austin Davis' lawyer and there is no question about it. Some time prior to the March 25th, 1906, Sunday night- meeting Davis instituted a damage suit against the Morning Telegraph Publishing Company, Eighth Avenue and Fiftieth Street, New York City, and as Goodhart's name appears on the complaint as attorney of record it is proof positive Goodhart is his lawyer. Please do not lose sight of this fact nor of the fact that Davis is a member of the 'Theatrical Agents' Society.

Away back, years before they wanted to put me out of business, Charlotte Smith introduced herself to Goodhart's client, Austin Davis; and as time rolled by he became well acquainted with her. By her hypocritical representations he was at first led to believe she was a pious woman.

Early in September, 1905, she dropped into Davis' office to have a "heart to heart" talk with him. She wanted him to supply her with "talent" free in order that she might give herself a benefit; but she did not say so to Davis. She told him the proceeds of the proposed benefit were to go to Bertha Claiche, the "white slave girl," at that time incarcerated in the tombs charged with murder.

Davis, impressed by Mrs. Smith's seeming good intentions agreed to help her, supposing, as did the performers, that the money was to go to the poor "white slave girl." But Davis knows better now.

The entertainment was given in Association Hall, 160 West Twenty-ninth Street, New York City, September 28th, 1905; but Charlotte Smith got away with the entire box-office receipts; and Bertha, for whose benefit the entertainment was supposed to have been given, did not receive a penny and wrote Davis a letter from the Tombs to this effect.

Davis when told that Charlotte had skipped with the box-office receipts got hot but subsequently cooled off.

In December, 1905, after the Bertha Claiche affair had "blown over" the alleged president, Charlotte Smith, again "turned up" at the office of Austin Davis. This time she was more modest in her demands. She did not mention "benefit," she substituted a different word—"accommodate." If Davis would accommodate her by writing two letters on his theatrical letterhead paper, one asking her to rescue certain young women who had been enticed into an immoral resort and the other, dated two weeks later, thanking her for having done so; in other words, thanking her for having rescued young women who did not exist, it

would place her under obligations to him. She wanted these letters for begging purposes. She needed money and the letters were important; she could use them as evidence to prove she was consecrating her life to a noble cause, the rescuing of the fallen, whereas the only person whom she was ever known to have "rescued" was herself and she accomplished this by begging from and imposing upon the charitably inclined.

When "the wife" discovered that Mr. Davis had signed and given this woman these two letters she became excited; women do sometimes become excited and Mrs. Davis told me herself she had no use for women of the Charlotte Smith type. But Mr. Davis explained to his wife, and I was present, that Mrs. Smith was a dangerous woman; she might have made trouble had he refused. He gave her the letters because he considered it wise not to incur her enmity. He admitted that he would like to have them back and had already consulted his lawyer, Goodhart, about the matter.

It is important to keep in mind that all this —my conversation with Davis and his interview with his legal adviser, Goodhart, relative to the two begging letters—took place in 1905.

It was in this year that Davis signed the spurious begging letters to accommodate Charlotte Smith; and it was the next year, 1906, that Charlotte Smith signed the spurious complaining letter to accommodate Davis.

The day after the Sunday night meeting, held March 25th, 1906, in Cullison's office for the purpose of discussing me, Charlotte Smith called on Davis' lawyer, this self-same L. G. Goodhart, 21 Park Row, with a letter of introduction dated one day later, March 26th. This was not disputed.

Now who sent her to Goodhart's office?

Did someone at that secret meeting held the evening before she called on Davis' lawyer make a motion that she be secured to aid them in depriving me of my license; and did it go down on the minutes of the meeting that this pretender was to co-operate with them in the conspiracy to put me out of business?

Now, do you understand why District Attorney Jerome could not lay hands on those minutes? Can you imagine why they were spirited away? Why every "mother's son" of them in that room that night would rather have been fined and sent to jail for contempt than to have been "brought up" on the more serious charge of conspiracy with ten or more years staring him in the face? Can you blame them under such circumstances for doing away with such incriminating evidence, the minutes of such a meeting?

Davis was a member of the Union. Goodhart was his lawyer. The day after the Union held its meeting Mrs. Smith was closeted with Goodhart and the outcome was the following letter: I quote from the minutes of my first hearing.

By Commissioner Bogart: "Under date of April 3, 1906, I received the following letter:

"Dear Sir—My client, the Woman's Rescue League, instructs me on its behalf to protest against the granting of a renewal license to one Jared Flagg. And to support its protest respectfully calls your attention to the following facts: Mr. Flagg has been advertising for girls to act as artists' models; and in this connection and as bearing upon Mr. Flagg's fitness to conduct such an agency and for such a purpose the enclosed memoranda and letter taken from the files of the Woman's Rescue League will prove interesting. If you desire any other information upon this point the officers of the League stand ready to appear before you at any

hearing you may fix. My client further instructs me to call your attention to the fact reported in the newspapers that Flagg served under his own name at Auburn State's Prison a sentence of two years for the crime of decoying girls to houses of ill-repute. Of course I make these statements as attorney for the League and my client stands ready to back them up by ample and sufficient evidence.

As I have stated, the enclosed copy of a letter and explanatory note is taken from the files of the League. The latter was sent to Mr. Flagg and there is every reason to believe it was received as my client's name and address was on the envelope and it has never been returned by the post office.

Very truly yours,  
LAWRENCE G. GOODHART,

Attorney for the Woman's Rescue League."

If Goodhart questioned his client, Charlotte Smith, he knew she could not produce one witness or a scrap of evidence to substantiate any one of the charges he made on behalf of the bogus "League." And yet, cognizant of this he deliberately made them again at my hearing before the License Commissioner. He made them knowing that every newspaper in the city would publish them as true; and this is just what they did do.

I quote from the minutes of my third hearing:—Mr. Flagg's lawyer: "Mrs. Smith, you charge Mr. Flagg with having advertised in the daily papers for girls to act as artists' models?"

Mrs. Smith: "Yes."

"Can you mention the name of any paper containing any such advertisement?"

Mrs. Smith: "No."

"As bearing on this subject it is stated that a letter taken from the files of your 'League' will prove interesting to the Commissioner. Was any letter sent to the Commissioner or have you any such letter in your possession?"

Mrs. Smith: "I did have but can't find it."

"It is stated that the officers of your 'League' stand ready to appear before his Honor at any hearing he may fix. Is this true?"

Mrs. Smith: "I don't know."

"What is the 'Woman's Rescue League'?"

Mrs. Smith: "I am the president of the National and International Woman's Rescue League."

"Who is its vice-president?"

Objected to by Lawyer Goodhart.

Objection sustained by his "Honor" the License Commissioner.

By Mr. Flagg's lawyer:—"Who is its secretary?"

Objected to by Goodhart.

Objection sustained by his "Honor" the Commissioner.

"Did you tell Mr. Goodhart that Mr. Flagg had served two years in Auburn State's Prison?"

Mrs. Smith: "I told him I thought I had seen it so reported in the newspapers."

"Mr. Goodhart stated in his letter to the Commissioner that his client (meaning you) stood ready to back up these charges with ample and sufficient evidence. Did you tell him you had such evidence?"

Mrs. Smith: "I did not."

"Did you tell Mr. Goodhart you could prove Mr. Flagg had served a term in Auburn State's Prison or any other State's prison?"

Mrs. Smith: "I did not."

"Did you tell him you could produce evidence to prove that Mr. Flagg had sent girls to houses of ill-repute or that you could mention the names of any such girls?"

Mrs. Smith: "Well, I told him I would try to find such evidence."

Mr. Flagg's lawyer: "Can you mention the

name of any one girl, or the location of any disreputable house, or person, to whom a girl was ever sent by Mr. Flagg?"

Mrs. Smith: "No, but someone told me he thought he had heard of some such thing.

Mr. Flagg's lawyer: "Did you ever meet a girl, or do you know of any person who ever did meet one, who claimed to have been sent by Mr. Flagg to such a resort or to such a person?"

Mrs. Smith: "In going about so many people tell me so many things I can't remember."

Mr. Flagg's lawyer: "Mrs. Smith—and I want you to think carefully before answering this question—can you produce any evidence at all to substantiate any one of the charges your so-called 'Woman's Rescue League' has preferred against Jared Flagg?"

Mrs. Smith: "Since hearing that these charges had been made in the newspapers I have been looking and expecting to get such evidence but have not been able to get hold of any."

Mr. Flagg's lawyer:—"That's all for the present."

Now then, if Goodhart did not question his client; did not know what her answers would be to these questions until he heard them under cross-examination, whom do you suppose he did question?

No man, however depraved, would write a letter containing such charges without an incentive.

When, where and by whom the letter was originally composed I do not say. It was dated April 3d, 1906, eight days after the secret meeting held in Cullison's office and it was signed "L. G. Goodhart, Attorney for the Woman's Rescue League." But at this time

Goodhart did not know me from Adam. He may have heard of me, but he may have heard of Adam, so who put him up to it? He says: —(and I am quoting from the minutes of my third hearing) "I wrote that letter out of charity. I am an American citizen" (he does not look it but he says it) "and I am proud of my native city, New York. I regard this cur a menace to the community and want to put him where he belongs, behind bars."

Vituperation is not evidence but as Goodhart had no evidence this was the best he could do. As a rule persons do not pamper their vanity to such an extent. Pride in itself would not have induced him to ruin a fellow citizen's business and reputation even if he had evidence of wrongdoing. Much less then would his pride have induced him to ruin my business and reputation without a particle of evidence of wrongdoing in or out of his possession. We must therefore look for some stronger motive. He had a motive—an ulterior one—and he was afraid to let it be known, but inadvertently, after a burst of verbosity which betrayed a knowledge of the phraseology of the slums and just as he was about to take his seat, he remarked (and I am quoting from the minutes): "Austin Davis and other clients of mine have been looking up Flagg's record and I have been helping them."

Goodhart should have kept that information to himself.

Before a lawyer will help a client is it not customary for him to receive a retainer? Now we are getting at the motive. Goodhart was helping them. Charlotte Smith he says paid him no fee. This seems reasonable. The poor old lady had not given herself a benefit performance for almost a year. But Davis—"Davis," Goodhart says, "and other clients"—

"other," of course there were others. Davis was not the only one; and a little assessment all around might have a tendency to make Goodhart "get busy." But why, if they had been looking up my record did he not invite them down and give them all a chance to tell what immoral, improper, fraudulent or illegal acts of mine they had unearthed?

According to Goodhart's own words they had been looking up my record and yet not one agent could be found to testify against me. Does this not seem strange? Why could he not coax Cullison or Davis to put in an appearance and so give me an opportunity to ask them why they had waited until this late date to investigate my purity.

Cullison had known me for years. Davis had known me five years. He had made commissions by placing my clients on the stage. He occasionally had accepted my hospitality and I had also assisted him by referring young women to his dancing academy which he conducted in connection with his agency. He once offered me part of his tuition fees in consideration of sending these pupils to him. But I felt he was entitled to it all so refused with thanks.

Davis has written me many letters. One will suffice to explain the tenor of all:

#### "AUSTIN DAVIS THEATRICAL EXCHANGE"

45 West Twenty-ninth Street,  
New York, September 29, 1904.

Mr. Jared Flagg:

Dear Sir—A few lines to thank you for remembering the office. The young lady called to-day and arranged with my wife for a course of chorus training. In regard to the other young ladies I will let you hear from me in a day or two as to the exact time I shall want them in the city. I refer to the six I spoke to you about.

Would be pleased to have you call any

evening you can. With best wishes I remain,

Yours respectfully,  
(signed) AUSTIN DAVIS."

The reader may notice this communication is dated September 29, 1904. It was along in 1905 and 1906 that Davis and Cullison and others commenced to feel uneasy because the managers were sending their orders direct to me thus curtailing the fees formerly paid to the agents. Now I was doing the "booking" and yet only charging a two dollar fee. This, Davis and some of the other agents thought, was a little "too much of a good thing." Davis became alarmed and started in with others, so Lawyer Goodhart says, to look up my record. He said it; and it is down in black and white on the minutes of my third hearing before the License Commissioner. But how embarrassing I would have made it for these agents had they "shown up" at my hearing. Think of the letters I would have requested them to read!

At the time of my hearing there was not in all this city a theatrical agent who had not transacted business with me; and letters! I had them by the hundreds—the most cordial kind—thanking me for favors extended. Think how these men would have enjoyed reading those letters and identifying their signatures. Think of the questions I would have asked. Would I have wanted to know why they had waited so long before manifesting a disposition to investigate my morality? Would any one of them have dared give the real reason? Can you see now why they kept in the background and held their secret meetings behind locked doors in Cullison's office and elected to make "scapegoats" of Helen Arthur, Charlotte Smith, Goodhart and Bogart?

This quartette they put to the front to do their "dirty work," and the following dates indicate how well they did it:

The invitation to the secret Sunday night meeting was dated March 20th, 1906. The meeting itself was held five days later, March 25th. The letter introducing Charlotte Smith to Goodhart was dated one day later, March 26th. The letter containing the bogus charges was dated eight days later, April 3d. The letter notifying me to appear before the License Commissioner was dated twenty-three days later, April 26th. The hearing was held two days later, April 28th, and May 2d, 1906, three days later I was out of business.

Any missing links in this chain? Any link which does not connect with the preceding and succeeding one? Do not the dates "dovetail" in perfect sequence as step by step the plot unfolds itself? If dramatized could there be a better satire on justice?

"All parties become partners to a conspiracy even if the part they enact be a subordinate one."

If the reader thinks that Goodhart who drafted and signed the aforementioned letter of April 3d, 1906, charging me with having enticed girls to houses of ill-repute, etc., committed an overt act, it is not essential that his criminal intent be shown, provided the letter speaks for itself. If the reader is under the impression that this letter reeking with spurious lying statements does speak for itself, then he is "at liberty to infer the intent."

So much for Goodhart. Now Bogart. Who is Bogart? He is a man who swore when appointed Commissioner of Licenses to conduct his office in an impartial manner. He is a man whom the people, through their Mayor, have vested with extraordinary powers; the power

to act as prosecutor, defender, jury and judge. Hence, it becomes his sacred duty to conserve the rights of the accused as well as those of the accusers and in taking his oath of office he swore so to do. Keep this in mind when reading the following.

Mr. Bogart knew twenty-five days before notifying me to appear, that the charge of advertising for girls to act as artists' models was to be made and he also knew that those who were to prefer this charge had no grounds for making it.

There is no law to prevent young women from posing for artists. If there were no models there would be no pictures or statuary. But I never advertised for artists' models; and had I attempted to, could not, for the reason that no newspaper will accept an advertisement of this nature. If there is such a thing as presumptive evidence it is to be presumed Mr. Bogart was aware<sup>1</sup> of this fact. It is part of his official business to scan daily every help wanted advertisement that appears in the newspapers. The city supplies him with papers expressly for this purpose, and he must have known the charge was ridiculous on its face. Yet he not only authorized it to be made but accepted the letter in which it was made as evidence.

In his return to a writ of certiorari this man, who had sworn to conduct the business of his office impartially, admits he knew twenty-five days before he notified me to appear that the charge was to be made that I had served a sentence in Auburn State's Prison. Think of it. He admits he knew the accusation was to be made twenty-five days before it was made; and yet during all this time, three weeks and over, this high official who had sworn to conserve the rights of the accused as well as those

of the accuser did not telephone, telegraph, write or cause to be written one word to the Warden of Auburn State's Prison; nor did he, or any other person, in any manner communicate directly or indirectly with the Warden or with any other person in authority at Auburn or with the Prison Department at Albany, or make the slightest effort or demand the slightest proof from any one to substantiate the charge.

The official records of the License Bureau show that this fact stands uncontradicted and admitted. Yet, in the face of it, Bogart, knowing I was transacting a large business as shown by the bi-monthly reports taken from my books by his Deputy Commissioners and submitted to him for inspection, allowed them to make this charge. Knowing, as he must have known from these reports, that I had thousands of clients, young women and men, in this city and in all parts of the country, he sanctioned the making of this charge, the charge that I had served a sentence of two years for decoying girls to houses of ill-repute. Before he permitted this charge to be made in public did he know it would be reported in the public press; and that, true or false, my business would be ruined and my reputation damned? Yes, he knew it. The minutes of the hearing prove I told him so myself.

Before the letter was read aloud it was shown to me. I pronounced it a tissue of lies and protested for all I was worth against having it read in public until an investigation had been made. But as their only aim and his only aim was to have it published in the papers, he, John N. Bogart, in my presence and against my emphatic protest and with a police officer at my back ready to yank me out of the room if I created a scene, this public official whose

sworn duty it was to guard my rights ordered this letter of April 3d, 1906, containing the infamous and false charges to be read aloud in public.

The good-will of a straightforward business is valuable. Anything of value is property. Without due process of law we have no right to deprive a person of his property. Did Bogart deprive me of my property (the value of the good-will of my business) without due process of law when he without having made any investigation gave that letter to the newspapers?

The injury was inflicted there and then. Lies have a stupendous circulation. And so quickly did the false report spread that almost from the moment it was given to the press my clients (and remember I had thousands of them in all parts of the country with no way of imparting the truth to them) regarded me with derision and my office as quarantined. From that moment they shunned it as if it were infected with a plague, and probably shuddered at their supposed narrow escape. It may have been difficult to believe that their agent had been guilty of sending clients to houses of ill-repute but it was in the newspapers and so must be true. Then they began to fear that their relatives and friends might believe they had been sent to these houses of ill-repute. So this vile charge reflected on them as well as on me.

It was not only reported in the daily but also in the weekly dramatic papers which are read by theatrical people everywhere.

"Flagg served a sentence of two years in Auburn State's Prison for the crime of decoying girls to houses of ill-repute," was the way one leading theatrical paper—The Morning Telegraph of May 2d, 1906—announced the news.

And the New York Herald of April 29th, 1906, in headline letters stated: "Woman's Leagues of high repute protest against a renewal of license for Jared Flagg. It is charged he conducted his agency for improper purposes."

The New York World of May 3d, 1906, came out with the following:

"Flagg denied a license. It has been intimated that his agency was in reality a feeder for disorderly houses."

Other New York papers made similiar statements.

Was this the news Bogart and the others wanted my clients and their parents to read?

No man should be given the power to make public without justification such a charge, casting such reflection on such a number of innocent persons?

Fathers, mothers and brothers rushed to my office. One brought a policeman. "My sister—my daughter—was your client. Tell me—tell me the truth—did you ever—ever since she has been coming to your office—ask her—send her—try to persuade her to go to a disreputable house?" Trembling with rage; ready to tear me to pieces; these questions were fired at me; and had it not been for telephone messages received by them from Auburn Prison authorities in response to urgent inquiries my life would not have been worth two cents. They upset chairs, jammed and surged and forced their way into my private office. Behind the uniformed officer I stood, poking him in the ribs, urging him to act quickly and arrest me, but he heeded me not—the police never were disposed to accommodate me.

And, only to think! Just one little cent would have obviated placing me in this false

position. A penny postal card addressed to the Warden would have brought back the truth and well John N. Bogart knew it. He knew it so mightily well he did not do it; but I did and received the following:

"To whom it may concern:

This is to certify a careful examination has been made of the records of Auburn Prison, and the name, Jared Flagg, does not appear among the names of those received between the years of 1894 and 1898. Furthermore, the above name does not appear on the records prior or subsequent to the above mentioned period.

(Signed) George W. Benham,  
Warden Auburn State's Prison."

This document not only bore the official seal of Auburn State's Prison but was certified to by the Prison Department at Albany.

With this paper I personally appealed to the newspapers to set me right with my clients and the public by publishing it. But not one of them, the city dailies or dramatic weeklies, although not questioning its authenticity, would do so. They published the lies but were unwilling to publish the truth.

You can say what you like it was pretty tough; they were pounding me hard. The esteem of thousands one day; the condemnation of millions the next day. To stand up under this, required fortitude. But I am not asking commiseration. I want only justice.

Now if the reader thinks that Mr. Bogart by abusing the power conferred upon him aided another or others in bringing about this deplorable state of affairs; if he thinks he acted unjustly in permitting Lawyer Goodhart, without a semblance of evidence, without having made the slightest investigation, to stand in public and accuse me of having served a sen-

tence in Auburn State's Prison for the crime of decoying young girls to houses of ill-repute thereby deceiving numberless fathers and mothers and causing them to visit their wrath upon me, when he, Bogart, had had so much time, twenty-five days, and could so easily have ascertained the truth; and if the reader thinks any or all of these acts tend to show conspiracy on the part of Mr. Bogart, in conjunction with others, then provided the aforementioned "acts speak for themselves, he is at liberty to infer the intent." So much for Bogart.

All during the time between the secret Sunday night meeting in Cullison's office and up to the very day of the hearing, I was in total ignorance of what was going on. I did not have an inkling of the trouble brewing, the plot, the whispered conversations along the "Rialto," the underhanded interviews at the License Commissioner's office with Miss Arthur, Mrs. Smith, Keating, Cullison, Goodhart and others. All this time I was attending to my business without a suspicion that others were scheming to wreck it. The first intimation of anything wrong came in a letter of which the following is a copy:

"New York, April 26th, 1906.

Mr. Jared Flagg:

Dear Sir—The Commissioner of Licenses directs me to inform you that an objection has been lodged against the issuance of a license to you.

Mr. L. G. Goodhart, attorney for the Woman's Rescue League, has entered the objection and has asked for a hearing. The Commissioner will hear his objection and that of any person who may appear on Saturday next, April 28th, 1906, at 10:30 o'clock a. m., in his office, and asks that you be present or represented.

John J. Caldwell, Secretary."

Yours truly,

Even after reading this I did not regard the matter as serious. I knew no client of mine had just cause to complain. I felt it was some mistake and whatever it might be it would adjust itself.

This is what I saw in the office of the Commissioner, 277 Broadway, Borough of Manhattan, to wit:—A large room and a long table, at one end of which was a seat reserved for the Commissioner. A stenographer occupied a chair to the left. A police officer showed me to the next chair. To the right of the Commissioner's chair was F. L. C. Keating, formerly License Commissioner but now attorney for the Theatrical Agents' Society. In the chair next to his and directly opposite mine was L. G. Goodhart, attorney for the alleged "Woman's Rescue League," Then came Helen Arthur, attorney for the Woman's Municipal League, and several of her female cronies—not witnesses; she could produce none. At the far end of the table a dozen or more reporters were seated.

In due time the "Honorable" John N. Bogart, Commissioner of Licenses, who was to act as Judge, emerged from the ante chamber followed by Charlotte Smith, the self-styled president of the alleged "National and International Woman's Rescue League" for which Lawyer Goodhart claimed to be counsel.

The Commissioner was solemn. All were solemn and well they might be. They were about to deprive a fellow-being of his inalienable right—the right to make an honest living in his chosen vocation. But this was not all, they were about to steal from him his name. Whatever it was worth to him in his relation with mankind, they were about to take it from him, not unintentionally but intentionally, knowing what they were doing, knowing

and not caring, knowing they were thieves, differing in no respect from the commonest sneak-thief—unless it be that they lacked his courage. Generally when a thief is caught "red-handed," he owns up like a "major." But these long-faced sanctimonious Pharisees, when caught in the act tried to lie out of it by pretending they did not know what they were doing.

At that time I, knowing nothing about the plot to ruin me, and not for one moment supposing the License Commissioner of this great city was a man devoid of honor, attended the hearing without counsel. Lawyer Goodhart noticing this asked with an air of self-righteousness if he might address a few words to the defendant. "It is only fair that he should be cautioned. Mr. Flagg is not a lawyer and we do not wish to take undue advantage of him. He should be told that anything he may say at this hearing may hereafter be used against him."

Think of a lawyer getting off a speech like that and in the next breath reading aloud the lies contained in the letter of April 3d, 1906. He knew and they knew that they would be unable to substantiate the charge that I had served a term in any prison for the crime of decoying girls to houses of ill-repute or for any other crime; but they were cunning enough to know that such an accusation would work incalculable injury to me. It was part of their plot to end my career as an agent; the first move, as it were, and the moment it had been made every newspaper man present recorded it. Then all eyes were turned on me.

Considering I had never even seen Auburn State's Prison I expressed a desire to see its records. "Certainly," replied the Commissioner; and to preserve his dignity in the eyes of

the reporters he turned to Lawyer Goodhart and in a take-it-for-granted way said: "Counselor, show Mr. Flagg your certified copy of the prison records." He said it just as if he supposed Goodhart really had such a copy when he knew all the time, as Goodhart knew, that no prison records implicating me existed.

Goodhart attributed his inability to procure the records to his floating kidney which was causing him trouble. This bit of side play was obviously for the purpose of deceiving the reporters and conveying the impression to the public that such a document existed.

"Give me three days and I will produce it," said Mr. Goodhart. "Well, see that you do," remarked the Commissioner, "or I shall renew Mr. Flagg's license." An adjournment of three days was then ordered ostensibly for this purpose.

A direct charge if false can usually be refuted but an insinuation however groundless is not easy to overthrow.

The Smith woman and the female lawyer, Helen Arthur, aware of this, immediately after the sham "hearing," unblushingly "button-holed" the reporters and proceeded to throw out hints—"It is intimated," they whispered. "that his agency is being used for immoral purposes. No! We have no evidence but expect to have. Both Mrs. Smith and myself," said Helen Arthur, "are heartily in accord and together we propose to ferret out and follow up every clue."

The reporters asked if any of my clients had complained. "We do not like to say. No, we can give no names or addresses at present—it would hardly be prudent. Later we may make a statement to the press. If you mention my name please note that I am at the head of the 'Research Department of the Woman's

Municipal League,'" said Miss Arthur. "And if my name is to be mentioned," said Mrs. Smith, "please note that I am the President of the 'National and International Woman's Rescue League of New York, London and Paris. No! We have no New York office. No! We have no London office. No! We have no Paris office; but we expect to have," remarked Mrs. Smith as she smilingly bid the Commissioner and reporters adieu.

When two women posing as reformers and thirsting for free newspaper advertising get their clutches on a dozen or more "space writers" there is no computing the damage they may do.

Now for the moment place yourself in my position, try to imagine what your sensations would have been the morning after these female mischief makers had got in their "fine work" on the reporters at this burlesque "hearing." If with honor and integrity you had built up a business from nothing to something; if for six long years, Winter and Summer, you had worked early and late; if you had dealt and talked with thousands of people, ambitious, intelligent and worthy young women and young men, all eager to "make good" and advance in their profession; if you had by square dealing gained their esteem; if they not only returned year after year to do business with you, but referred their friends to you; if you were acquainted with many of their parents, and if these fathers and these mothers also reposed confidence in you, respected you, depended on your honesty and judgment to advise them with which managers, in which companies, it would be safe to entrust their sons and daughters; and if you had in the profession many acquaintances, playwrights of renown, actors and actresses whose names are

known over the breadth of the land; and if you were acquainted with all the leading stage directors, honorable men, anxious to aid you, to see you prosper, men who did not hesitate to endorse you, to recommend you, and who would go out of their way to favor you; if you had such business acquaintances, and if you felt grateful; if you had failed in previous undertakings, but could now see success ahead; and if it made life seem worth living; if it seemed to you (as it did to me) that you were accomplishing something in the world, procuring honest employment for thousands of honest persons, and if it were a greater satisfaction to you even than the cash profits; if you valued more highly than money, the high regard in which you were held by those with whom you had business dealings; in short, if you were at peace with the world, if you had enemies, but were willing to overlook and forget past differences, willing to blame yourself instead of them; if you had thought it all over and were willing to let bygones be bygones, willing to forgive everyone, feeling that there was, that there is, in each man's life sorrow and suffering enough to disarm you of all hostility; if this were how you felt; and if you had friends, not the fair-weather kind, the kind that are afflicted with affected accents or with social aspirations and whose knees quake at the thought of appearing as witnesses in courts of law or of getting their names in newspapers, not the moral cowards who value above all earthly possessions the superficial courtesies extended to them by members of their social set—I do not mean that kind—but real friends, the kind that don't scare and will stand by, shoulder to shoulder with you, "true as steel," when clouds are gathering and when the future looks dark; if you had such friends; and if you

had relatives who felt you had disgraced the family name, though not intentionally, and were therefore staunch and true, uncles, aunts, cousins, nieces, and nephews; and if you had brothers, any one of whom would share his last dollar with you, brothers who would not permit any man or woman, not even an old friend of the family, to malign you; if you had such brothers—whom you loved and a mother whom you loved—and sisters whom you loved, how would you feel to have her—and them—and all the others—some fine morning open the newspapers—not one—but all the papers—and read that powerful societies—the Theatrical Agents' Society and also Benevolent Women's Leagues of high repute had intimated—informed—that your place of business—your office—was not what it appeared to be—a legitimate agency—but a "feeder" for disorderly houses; how do you think you would feel? How do you think I felt?

## CHAPTER 8.

A swelled head is incurable, yet however arrogant a public official may be to individuals, he fears the people as a whole. Bogart, the license official, feared the newspapers—the people—and this explains why he laid stress on the three days adjournment.

"I shall grant this adjournment," he said, "for the purpose of giving us time to communicate with the warden, and if copies of the prison records implicating Mr. Flagg are not here in three days I shall issue a license to him." These are his words copied from the minutes and they sounded all right to the reporters but all wrong to me. Why should a person who had had twenty-five days to investigate a simple matter want three days more? It was a subterfuge to create the impression I had in reality served such a term and in three days proof thereof would be forthcoming. This was the impression the newspapers conveyed to the public. But the proof did not come; and yet Mr. Bogart despite his promise did not give me my license.

What would you, the reader, say if you in place of me had been accused of a crime and brought before a judge and had told him you were falsely accused—what would you say if he had said to you, "All right, if I find that to be true I will see that you are not punished, and in order to give myself time to investigate I shall lay your case over for three days?"

That might seem straight but at the expiration of three days—the expiration—suppose

then you had asked his "Honor" if he had made the investigation; what would you say if he told you he had not, but in the exercise of his "discretion" has decided to punish you anyway, with or without evidence, what kind of judge would you say you were up against?

The "Honorable" John N. Bogart sent for no proof before ordering the charge to be made against me. He sent for no proof after ordering the charge to be made against me. I hold a letter signed by the Warden of Auburn Prison to the effect that no person (that is, among the conspirators) either before or after the charge was made public had inquired regarding the matter.

Had Mr. Bogart or any of the others written he would have received word that there was no truth in the charge. But did Mr. Bogart or the others have any use for the truth? They were only interested in covering up the truth. They were out to injure me and the injury was inflicted the moment the charge was made against me in public.

In the License Bureau dishonest rulings were the rule and my case was not an exception.

The New York Evening Journal, under date of November 5th, 1908, when commenting on a preliminary report made to Mayor McClellan by the Commissioner of Accounts stated, "the License Bureau of this city is rotten to the core."

It took them a long time to find it out. I could have given them this information three years before.

No man should be privileged to summon a reputable citizen to appear at a public hearing for the purpose of ruining his business and reputation. But Mr. Bogart had this prerogative. He occupied a position so exalted he was privileged to ignore all evidence however

vital and under the license law could in the "exercise of his discretion" ruin a man's business and reputation without rendering himself amenable to the law. This is what he said and I guess he is correct.

Before recording the events of my second session with his "Honor" the reader should be informed of all that took place during the three days interval between the first and second hearings. They were not considerate enough to inform me in advance but I shall inform the reader.

Having made this Auburn Prison charge against me without an atom of evidence they decided before making a second charge to manufacture a little evidence.

In the License Bureau they had a young lawyer, Henry N. Steinert. Mr. Steinert says Mr. Bogart told him to go to the General Sessions Court and have a talk with William Hanna. Mr. Hanna is first assistant to Chief Clerk Edward R. Carroll of the said court. Bogart won't tell what he told Steinert to say to Hanna. Steinert won't tell what he told Hanna to say to Carroll and Hanna won't tell what he told Carroll to do, but as I shall tell you what Carroll did do you can draw your own conclusions.

This Chief Clerk has charge of the official records of said court. The records of my "flat trial" were in his custody. He held the combination to the vault in which they were kept. Bogart knew this and Bogart said something to Steinert. Do not forget that. Steinert said something to Hanna. Keep this in mind also. And after Hanna had said something to Carroll, Carroll entered the vault and "dug up" the records of my "flat trial."

To prove an innocent person guilty in New York City, that is, to legally prove a person

guilty of any count in an indictment on which he had been adjudged not guilty it is necessary to go through more or less "red tape."

As stated, years ago I had been adjudged not guilty of renting flats for immoral purposes. Therefore, to legally prove I was guilty of this offense, it was essential not exactly to alter all the minutes of my trial on file in the said court, but simply to have the chief clerk thereof draft a copy of the said minutes with such little variations as might be necessary to make it easy for the License Commissioner to persuade himself the verdict of my jury was not what it purported to be.

This was done.

In the original records the word "misdemeanor" appears. In the certified copy the word "felony" takes its place.

In the original the word "indicted" appears. In the certified copy the word "convicted" takes its place.

In the original the word "dismissed" appears. In the certified copy the word "sentenced" takes its place.

When a sworn certified copy of the minutes of a trial carries the signature of the chief clerk of the court in which the case was tried also the official seal it is regarded as "knock-down" evidence.

This counterfeit certificate carried the seal of the General Sessions Court. William Hanna stamped it thereon. It also carried the signature of the chief clerk, E. R. Carroll. After Mr. Carroll had affixed his signature he gave it to Lawyer Steinert of the License Bureau who carried it from the Criminal Courts Building to Commissioner Bogart. Can you arrive at a conclusion now as to what Bogart said to Steinert, and what Steinert said to Hanna, and what Hanna said to Carroll?

Nothing is easier than to deceive oneself. I said to myself, why retain a lawyer to prove I had not served a term in Auburn State's Prison when all the lawyers in the land could not prove I had ever seen the inside or even the outside of its walls? Knowing nothing of what had taken place during the interval this was how I reasoned, so at the expiration of the three days adjournment in I walked without a lawyer, and there they were—Charlotte Smith with her white kid gloves, Lawyer Goodhart, with his two pair of spectacles on his nose, Bogart, the "Honorable," he was there; ex-License Commissioner Keating was there also notwithstanding that the Theatrical Agents' Society which he was supposed to represent had notified the press, the License Commissioner and myself that it had no complaints to make against me.

The following is a copy of the letter I received and Bogart and the press received similar letters.

"Jared Flagg, Esq.

Dear Sir—Our association has made no charges against you, nor are any pending.

(Signed) James J. Armstrong.  
President Theatrical Association  
1431 & 1433 Broadway, N. Y. City."

Helen Arthur also sent a letter of which the following is a copy:—

"License Commissioner:

Dear Sir:—As we have no complaint to make against Jared Flagg we hereby petition you to issue a theatrical agent's license to him.

Helen Arthur,  
Woman's Municipal League  
19 East Twenty-sixth Street, N. Y. City."

Miss Arthur was not present at this second hearing, but the reporters were all there and when I glanced at their end of the table they

nodded politely. This was a bad omen and I commenced to feel uncomfortable. Could it be possible they were going to spring something new on me? Some other bogus charge? This thought flashed through my mind; and I opened the meeting without being asked to do so by requesting the Commissioner to produce the Auburn Prison record and which Lawyer Goodhart had agreed to present at this hearing; but, barring myself no one would allude to Auburn State's Prison.

The Commissioner whom I was addressing ignored me entirely but called Lawyer Goodhart aside and in a low tone of voice (too low for the reporters to hear but not so low that I was unable to hear) said to him, "You take this document and present it to me at the hearing."

Goodhart took the bogus certificate which had been made at Bogart's request and which Carroll had signed. First Goodhart, standing by a window away from all, read it to himself. He then came over to the table and read the document impressively to the Commissioner.

Goodhart then walked to where the reporters were seated; showed the document to them; and they scrutinized it intently and copied certain portions. It was then taken to the other end of the table and given to the Commissioner and he passed it to me for inspection. If ever I inspected a paper it was that one. With care and deliberation I read every word.

Little did I dream of the diabolical plot which was being perpetrated on me.

The document had every appearance of being authentic. After having read it twice over, once more I looked at the words "felony," "convicted," "sentenced." Could I believe my own eyes? Was I worse than I thought I was? And again I looked, I looked at the gilt seal which was as large as a small sized buckwheat cake.

We seldom regret having said too little. At the first hearing Goodhart had been granted without question a three days adjournment. Now I asked for a like adjournment but instantly there was a storm of protest. "If not three, make it one. Give me a day to investigate this matter. If true you can act on it to-morrow, I said. He made no reply. Lawyers Goodhart and Keating seeing he hesitated took him aside and whispered. It was the order of the day to take the judge aside and whisper to him, and when I objected his "Honor" replied: "You might have the right to object in a court of law, but not here." The whispered conversation produced the desired effect for when he returned to his seat he was obdurate. He would not listen to an adjournment of even one day. And with the fraudulent certified copy of the court records (held high above his head) in which the word "felony" had been substituted for the word "misdemeanor;" and the word "convicted" substituted for the word "indicted;" and the word "sentenced" substituted for the word "dismissed;" he, the so-called "Honorable" John N. Bogart, who had given himself and the others an adjournment of three days and had peremptorily refused to grant me an adjournment of even one day, ruled as follows (copied from the official minutes):

By the License Commissioner:—

"I am going to save a lot of time. I accept this document as being a true statement that Jared Flagg was convicted of keeping a disorderly house and fined and imprisoned. I am going to rule that anyone convicted of keeping a disorderly house is not entitled to an agency license." Then turning to me he said, "Your application for a renewal of your license is denied."

This settled it, and they hurried from the room. All left with the exception of the policeman and myself. I didn't move. I was nonplused. Was it true? Could it be true? But true or false my life had been blasted. This much at that time I knew. Now in the eyes of the public I was a felon; I was no longer a citizen of the United States; no longer had the right to vote; could no longer hold my head erect and look decent people in the face; mortified, chagrined, humiliated, my name vilified, my reputation gone, my business ruined. Legally branded an outcast. Ostracised, banished and subjected to the ridicule, scorn and hatred of my fellow citizens; the convicted keeper of a bawdy house, a disgrace to my family, to the community and to myself. This would be the verdict of the people. It would be impossible for them to reach any other decision, and despite anything I could say or do thousands would condemn me; would believe the forged document to be true; thousands would read the newspapers, and every paper in the city—English, French, Italian, Spanish and Hebrew would and did proclaim it as true broadcast to the world.

## CHAPTER 9

After they had taken advantage of my inexperience I retained a lawyer and it did not take him long to discover a forgery had been committed.

Suits were brought against Edward R. Carroll, Chief Clerk of the Court of General Sessions, and also against his assistant, William Hanna. Four in all, twenty-five thousand dollars each, two for damages and two for libel per se—all of which is a matter of public record.

The Commissioner after illegally depriving me of my license probably thought that would be the last he would hear of the matter. But when it was made clear to me that the document was a certified forgery I called and asked him to annul his decision. He refused, whereupon my lawyer appealed to the Corporation Counsel. It is this official's duty among other things to defend the License Commissioner. My particular matter was placed in charge of Assistant Corporation Counsel Charles O'Neill and after investigating he advised Mr. Bogart to retract. But as no retraction was forthcoming my attorney carried the case to the Appellate Division of the Supreme Court. This move made Mr. Bogart sit up and take notice. Under the law if he allowed my case to reach this court his rulings would have to be reviewed by the Appellate Judges and what would they have to say about the forged certificate and the perjured testimony?

If any one knew, Bogart knew that in the Appellate Court they "did things differently"—differently from the manner in which he "did things." It was he who so informed us. His exact words copied from the minutes read: "You might have that right in a court of law but we do things differently here." By "we" he meant himself and by "here" he meant the License Bureau. And now my case was going to a different tribunal and Bogart, judging from his frantic efforts, was more than anxious to have it taken off this calendar and brought back to him where it could and would be dealt with "differently." He knew if the case should be reviewed by this high court it would go hard with him whereas he wanted it to go hard with me. And in order that it might go hard with me and that I might be placed at his mercy, and that his crooked acts might not be passed upon by the Appellate Judges, he finally accepted the advice of Assistant Corporation Counsel, O'Neil and owned up to the truth and sent me a letter of which the following is a copy:—

"New York, July 7, 1906.

Mr. Jared Flagg:

Sir—I hereby notify you that the determination reached by me on May 2, 1906, whereby your application for a license to keep a theatrical agency was denied has been annulled by me on the ground that it appears the record of the Court of General Sessions offered in evidence relative to your trial in that court was erroneously certified by the clerk thereof.

You are hereby notified that a hearing upon your application will be held on the 23d day of July, 1906, at 2:30 P. M., at this office.

Respectfully yours,

(Signed) John N. Bogart,  
Commissioner of Licenses."

At first he had refused but he was "annulling" all right now.

"Erroneously" means falsely, and in making his confession he should have used the word falsely but he liked the sound of the other better.

This solitary, false document, although not even remotely related to my theatrical business was the only evidence used against me. This is the point I want to make clear. No witness, no client, no person in any way connected with my agency or the theatrical profession appeared before the License Commissioner to testify against me. And it was solely on this one false document, which had nothing to do with the theatrical business, which referred only to my "flat" trial of years ago, 1896, that my application made ten years later, 1906, for a theatrical agent's license was denied. Therefore, the fact that Commissioner Bogart now, in writing, over his own signature, admits the document was "erroneously certified" is equivalent to admitting that I lost my business, its good will, my good name, the esteem of my customers, the confidence of their parents, the respect of the community and all else on a false document. Perjury—forgery—certified lies.

Up to that time the going had been tolerably smooth and had I when first approached by the police paid tribute to them in the shape of "blood money," I should not be talking about "fake hearings" and erroneously certified legal documents. There would have been no scurrilous newspaper articles. I would have occupied a position above reproach. I would have been rich. Even had I given the police every dollar of the profits accruing from my flats the advance in New York real estate has been so great that had I been able to hold mine it would in itself have made me finan-

cially independent. At a low estimate, this advance in value has exceeded a million dollars.

If money covers a multitude of sins, considering I am not half as bad as I have been painted, do you not suppose with such a fortune I could have covered all my sins? I would have been regarded a paragon of propriety. Whereas now I doubt if I would be considered eligible even to the "Four Hundred."

This is what a man sometimes gets for standing on principle; but I did it, and a volley of unprintable oaths and the clinched fist of a police captain shaken in front of my nose could not make me swerve. No "third degree," no threat, not even dire ruin could move me. But men have been moved by threats less aggravating. New York is full of blackmailers; and many persons, posing as respectable, have yielded to their demands and paid "hush-money" and sacrificed self-respect that they might retain the respect of others. No person can however, truthfully say I ever debauched my honor for the sake of social or financial gain. And it was because Mr. Bogart knew I was no hypocrite and had nothing to cover up that he did not want the judges of the Appellate Court to hear my story. To prevent me from telling it he not only, as stated, owned up to the truth but in the concluding paragraph of his confessing letter requested me to appear before him for a rehearing. This was not to my liking. I had had all the hearings I wanted and to restrain him from holding more in my case served him with a temporary injunction. It was at this juncture that his Royal Highness did some tall prevaricating. He had ordered me to come back for a rehearing and I had "clapped" an injunction on him which put an end to further hearings until such time as he

could have the injunction vacated. The uncertainty as to whether it could be vacated riled him and although I do not wish it understood he so far forgot himself as to raise his right hand and swear before Almighty God to a lie I do want it known that he affixed his signature to several lies. John N. Bogart is not a man to commit perjury; that would be against his principles; he knows the penalty; but if caught in a compromising position he will not scruple to affix his signature to a lie, as is shown in his Return (his defense) to the Writ of Certiorari I brought against him and which was pending before the Appellate Division of the Supreme Court. In this return which was to be read by the Judges he said the Theatrical Agents' Society, as a Society, and the Woman's Municipal League, as a League, and also the Woman's Rescue League, as a League, had appeared before him as complainants against me. His exact words copied from the court records were as follows:

"Lawrence G. Goodhart, 21 Park Row, appears for the Woman's Rescue League.

The Theatrical Agents' Society appears by Frederick L. C. Keating, of 38 Park Row.

The Woman's Municipal League appears by Miss Helen Arthur, of 277 Broadway."

On June 13th, 1906, he wrote the Judges of the Appellate Division of the Supreme Court that the Theatrical Agents' Society appeared before him on April 28, 1906. (The word "appeared" when used in this legal sense meant that the Agents' Society as a body had put in an appearance against me. Mr. Bogart knew that was not true. On April 28th, 1906, a month and a half before he affixed his signature to this false statement, when the question, at my first hearing, was asked Lawyer Keating (and Bogart himself asked the question). "Do

you appear here for the Agents' Society?" Mr. Keating replied: (and I am quoting the minutes) "No, your Honor, the Theatrical Agents' Society does not appear against Mr. Flagg. I am simply here as a spectator and to see that Mr. Flagg receives a square deal."

To this answer as is shown by the minutes Bogart remarked:—"Mr. Flagg seems competent to look after his own affairs."

The very next day, April 29th, 1906, in response to a letter from me the Theatrical Agents' Society notified Bogart in writing that it had not appeared against me. Furthermore, I, personally, showed Mr. Bogart a letter I still hold signed by the President of the said society, J. J. Armstrong, to the effect that he had lodged no complaint against me and had no complaint to make. But, despite all this, a month and a half later, June 13th, 1906, over his signature Mr. Bogart informed the Appellate Judges that the Theatrical Agents' Society appeared before him on April 28th, 1906, represented by Lawyer Keating. He would not swear to it: Bogart would not commit perjury; that would be against his principles; he knows the penalty; but he would and did affix his signature to this lie.

When in the so-called Return to the same Writ he informed the Judges that the Woman's Municipal League had appeared before him represented by Miss Helen Arthur he knew this was not so. He had asked Miss Arthur as a special favor to him to be present "with or without a complaint," and simply to accommodate him she was present without a complaint. When Mr. Bogart asked if her League had any charges to make against me she replied (and I am quoting the minutes) "We have no complaint." Later she not only put this in writing (that she had no complaint) but

requested the Commissioner to grant me a license. I, furthermore, showed Mr. Bogart a letter which I hold signed by the Woman's Municipal League to this same effect. And yet despite all this proof he notified the Appellate Judges a month and a half thereafter, June 13, 1906, that the Woman's Municipal League had appeared before him at my first hearing, April 28th, 1906, and was represented by Miss Helen Arthur. He would not swear to it; Bogart would not commit perjury: that would be against his principles; he knows the penalty; but he would and did affix his signature to this lie.

Also when he made the statement in the same Return to the same Writ and to the same judges that the Woman's Rescue League had appeared and was represented by Lawrence G. Goodhart he knew it was false, and I will explain why he knew it. When my lawyer was cross-questioning Charlotte Smith regarding her fake "League" and she was becoming entangled and her lawyer was objecting he, Bogart, made the following remark to my lawyer (copied from the minutes) "You might have that right in a court of law, but we do things differently here, and I shall not allow any questions regarding this League" (meaning the fake "Woman's Rescue League") "because according to the statement of the attorney who represents this witness" (meaning Charlotte Smith) "no such League appears here or is represented before me." This as per the official minutes is what he said. "No such League appears here or is represented before me." But, as per the official Court Records, he wrote the Appellate Judges that such a League had appeared before him at my first hearing, April 28th, 1906, and was represented by Lawyer Goodhart. He wouldn't swear to

it; Bogart wouldn't commit perjury; that would be against his principles; he knows the penalty; but he would and did affix his signature to this lie.

He prepared, signed and filed these and other false statements so in case he had to appear before the Appellate Judges he seemingly would have some ground for his defense to my writ. But in the meantime he put forth every effort to have the injunction vacated. After many delays and a bitter legal fight, Justice V. Dowling ordered it vacated; so after all I was obliged to appear again before his "Honor," the License Commissioner.

Every time I think of these return-hearings I experience a touch of sea-sickness. Talk, talk, talk, quibbling all the time, first one lawyer and then another, over matters wholly irrelevant and making no progress.

To appeal a case the testimony for and against the defendant must be printed and bound at the defendant's expense before it can be submitted to the higher court. In this case I was the defendant and in the event of an appeal each word would cost me just so much money to print. Therefore, to check this flow of expensive words at my subsequent hearings I determined to eliminate Lawyers Keating and Goodhart; and with this end in view notified them that if they took further part, ever again, at my hearings before the Commissioner I would bring them up before the Lawyers Grievance Committee and give them an opportunity to show cause why they should not be disbarred as co-conspirators in the plot to deprive me of my license. This notification which was duly drawn up after I had had a talk with Assistant District Attorney Marshall must have frightened the life out of these two "legal lights," for they dropped Bogart like a "hot potato."

Tell a lawyer engaged in a crooked case to quit or you will move to have him disbarred and he will quit every time—quit in a hurry. But with the "Honorable" John N. Bogart it was different. He could not quit. The conspirators (certain agents and others previously named) had influence with certain political bosses and Bogart may have received orders from someone higher up, possibly a "Tammany ward heeler;" and his salary, one hundred dollars a week, may have been at stake; so he had to keep the hearings going and at the progress he was making it would have taken him a year or more to complete the job. It was not, he said, so much a question of virtue at the present time. He admitted I might now be a moral man, but the question he wished to determine even if it took a year was, had I always lived a moral life? In his opinion any man who at any period had been guilty of "sowing wild oats" was not a fit person to be a theatrical agent. You have no idea, unless you have been one yourself, what an exemplary lot they, the theatrical agents of this city, are. And so the make-believe hearings dragged on month after month; and the money I had saved was melting as money melts when everything is going out and nothing coming in. It was when things were in this precarious condition that I ran up against a snag, the worst I had struck, a letter written by my brother Ernest and which reads as follows:

"If I were you I would waste no more time or money in trying to procure a license. It is not worth it, and I wish you would cut loose from this whole unsavory mess and turn your attention to something worthy of you and your bringing up. I am sure if you look you will find a profitable opening. You may think your record a handicap, but

I doubt if it will prove as much of a one as you imagine. If you will take my advice I will show my confidence by not limiting you in time or amount. When you want money ask for it and I will send it to you."

Before I had half finished reading this letter my arms dropped. Here was where I could not fight. I knew he did not realize what he was asking me to do, but that did not help matters. He was my brother, and it is different when it is your brother.

Without a quibble, an explanation, or an interview, just as if it were a matter of small moment, just as if it were easy to disregard the verdict of those who had formerly respected me, I requested my lawyer to notify the Commissioner that I would withdraw my application for a license. In reply to this notification we received a letter of which the following is a copy:

"New York, February 6, 1907.

H. D. Mildeberger, Esq.,  
Attorney-at-Law.

Dear Sir—Your communication, as attorney for Jared Flagg, notifying me that he wished to withdraw his application for a license has been received, accepted and filed.

Yours truly,

(Signed) John N. Bogart,  
Commissioner of Licenses."

The day this letter was received it was forwarded to my brother, and the following day he wrote me, "I am sure you have made a wise decision."

Engrossed in vast enterprises—the designing of the Annapolis Naval Academy, St. Luke's Hospital and the Singer Building in New York and other great buildings—involving millions of dollars and the employment of thousands of men, my brother had had no time to look into my affairs. He only knew I had been dealing with theatrical people, and

had not made a fortune. And on general principles, without being familiar with the thousand and one circumstances surrounding the case, he had, out of the kindness of his heart, written the aforementioned letter. Had it come from another I would have thanked that other for his advice and offer, but would have declined both.

Assistant District Attorney Marshall and every one cognizant of the truth said my license was being withheld from me illegally; and I was terribly anxious that this fact should be known. If I only could have advertised that it was once more hanging in the same old frame over my desk that was all I wanted —my name.

The eyes of the profession were upon me. Remember I was known, known clear across the continent, wherever musical comedies were booked. Thousands were waiting and wondering whether I would win or lose. The withholding or the granting of that little piece of printed paper, to me, meant *everything*. It could give to or it could take from me that which money could not buy. In the estimation of all these people—thousands of people—it meant one thing or the other, an upright man or a degenerate. What then would be the inference now that I had allowed the matter to go by default? What reason would the editors of the newspapers assign?

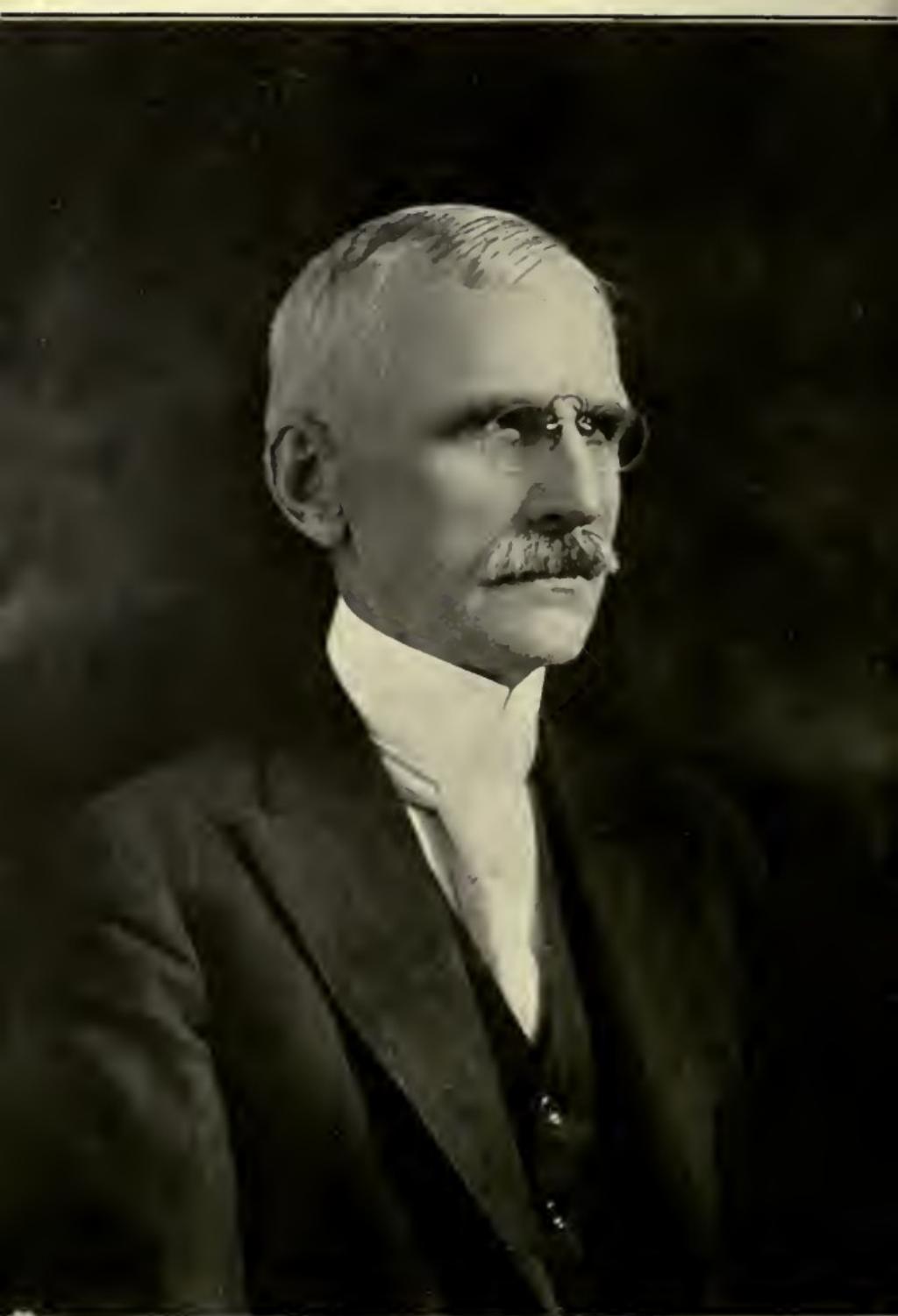
Aside from the operatic managers and theatrical agents and general public I had a clientele of over seven thousand, and the man does not live who can afford to ignore the opinion of seven thousand of his fellow beings. On the other hand, the man does not live who can afford to tell his brother to "go to the devil!" If I had ignored my brother's letter, what would have been the result? It is true

I could have explained matters; and had I done so he would, without waiting to hear details, have said, "If that is how you feel, why, of course, fight the thing to a finish." I am well enough acquainted with him to know that that is just what he would have said; but —there would have been a *but*. He advised, I refused; he listened, I explained; and it was all right—but (here is where the *but* comes in) *was* it all right? There would have been *that* feeling—the feeling of estrangement—that time, years of time alone can obliterate. I didn't want any of *it*; and with the full knowledge that I should be misrepresented by the press (and I was), and misjudged by my clients (and I was) I, nevertheless, abandoned and relinquished all hope of ever again becoming a theatrical agent.

"Blood is thicker than water," and between the multitude and the one, I decided.







JARED FLAGG

1920

## PART II

## CHAPTER 10

Thirty years ago—Winter—it was cold, biting cold, ears were tingling and overcoats were buttoned tightly. It was early evening. Lights were beginning to flicker in store windows when from out the crowded thoroughfare, lower Broadway, a young man turned into Ann Street and walked as a man walks when he knows where he is going and is in a hurry. His hands were jammed deep into his coat pockets; and if any one could have looked inside one of these pockets he would have seen a roll of paper and a hand clutching it tightly. It was not because he thought any person intended to grab the paper but he did not want to lose it. It meant something to him, it represented years of study. It was manuscript, and it was I—Jared Flagg—with my manuscript who turned the corner that Winter evening, long ago, on my way to the old-time publishing house of Dick and Fitzgerald, 18 Ann Street, New York City.

Later that year a book was published entitled, "How to take money out of Wall Street."

Now we will go back a few more years.

At the age of fourteen when living in my native town, New Haven, Connecticut, my step-mother asked me if I wished to continue at the Hopkins Grammar School preparatory to entering Yale College or if I preferred to

go to Wall Street and someday become a speculator. I had heard of Wall Street and longed to know more about it. I had also heard of the Greek language and longed to know less about it; so, without giving the subject consideration, I selected Wall Street.

Mrs. Work, wife of the late multi-millionaire Wall Street operator, Frank Work, was to make us a visit and it was arranged that when Mrs. Work should return to her home in the great city of New York she was to take me with her. This was forty-seven years ago and I arrived on Wall Street the day of the "Black Friday" gold panic of 1869. Never before had I seen men rushing about in such crazy fashion. At the time I did not know a panic was raging—I thought it an every day occurrence—and was not favorably impressed, in fact, was depressed and remember and will always remember *that* day. Everything seemed so strange, a lonely solitary feeling came over me as I stood in the corner out of the way in Mr. Work's office. I thought of our peaceful home in the country, the old barn, the horses, and the small donkey my brother and I owned. I thought of Evergreen Cemetery—my Mother—I mean my real Mother—and my eyes became dim.

But another day, another year, came and without realizing it I was beginning to acquire an insight into the intricacies of speculation. I was with Mr. Work five years. It was the first and only clerical position I have ever filled.

Now we will move forward several years. In my book, "How to take money out of Wall Street," I had outlined a method of operating. And after reading in 1907, the words I had written in 1887, it occurred to me it might be well to raise a million or two to operate the system.

A man can usually accomplish all he thinks he can, provided:

First, that he is intelligent enough to see he cannot accomplish it all by his individual effort—that he must have the concurrent effort of others and receive a percentage of the profits accruing from the labor of others—that the smaller the percentage—he exacts—the larger will be his profit, because these others—to do the real work—must have a real incentive to keep at work.

Second, that he has consideration. Many men are so indifferent as to the rights of others they are always looking for the best of it. This is why they usually get the worst of it.

Third, that he has patience. Many men are so impatient they strangle every opportunity that comes their way by insisting upon seeing some money each week. This is why they never see much.

Fourth, that he has dignity. Many men are so lacking in self-respect they will not hesitate to place themselves under obligations to other men. A man who will accept something for nothing amounts to nothing. He is a menial at heart and would, if in a different walk of life, accept a tip.

Insist upon paying for everything, especially favors—it is cheaper.

Twice in my life, when unable to pay, I was forced into bankruptcy, but each time, "came back" and settled in full although, as the Court records show, was legally relieved from so doing. The most important (the most productive) bills to pay are those you are not legally obligated to pay. I have always held that a debt could not be out-lawed, could not be cancelled until liquidated, and it is because I have lived up to this doctrine that I have credit without limit.

At this period, 1907, when I decided to return to Wall Street, my office was my bedroom; but this did not deter me from inviting a few friends around to pass an evening. I told them I wanted to explain how, with money, money could be made by systematically taking advantage of the up and down swings of the market.

Whenever a person undertakes to exploit an idea not universally understood people doubt; they look wise and poke fun at him. It has been so since time immemorial.

A system of speculating that will enable the operator to make as much in a declining market as in an advancing one, is not a system universally understood, and my friends at first were not inclined to take me seriously. They thought it too good to be true; but when they realized it was a matter of statistics—not words—they agreed to back me, to contribute their influence, time and money to aid me in establishing a brokerage firm of which I was to be the head and they (the ten) my special partners.

A few weeks later, January, 1908, the house of Jared Flagg & Company was founded.

It soon became apparent that my partners were not elated over our environments. The entrance was faulty, the interior worse and my advice not to be in a hurry, to keep expenses down, transform my bed into a couch, utilize the room as an office, and when necessary lease an adjoining room did not impress them favorably, and I was out-voted ten to one. Class was what they wanted, "a classy office in a classy building," and we got it. We want what we have not got until we get it. Then we want to get rid of it—usually. Yet, the "Century Building," 1 West 34th Street, with its marble front looked inviting and the

entrance was faultless. To look prosperous, to look like business, was essential to success—they said. So we had letter files, telephones, tickers, private wires, everything—everything but business. Business would come later—we thought. The next best thing to making money is to think you are going to.

One morning, six weeks later, after we had quit thinking about our prospects. I walked into the office wearing a high silk hat such as unsuccessful financiers are wont to wear and noticed something about the atmospheric condition of the place that did not strike my fancy. I inquired what was up. "Have you seen the Herald?"

Every one had a Herald—page five—column one—ridicule—nothing but ridicule.

"Jared Flagg now in high finance," and et cetera.

Newspaper ridicule effects persons differently, adding to or extinguishing the flames of ambition. I am accustomed to it, but my partners after reading this blast acted as if a chemical fire extinguisher had been turned on them. I tried to resuscitate them but they had had enough. The rent would be due in a few days and they had had enough. So, to make a short story shorter the firm of Jared Flagg and Company was by mutual consent dissolved.

I admire beautiful environments but abominate pretense. A person who professes to be more prosperous than he is in reality may succeed in duping himself but he is the only one deceived.

There was no pretense about my old ten dollar per month combination office and bedroom and I was once more in it. Come one, come all, I was now ready. The reporters came but their articles produced no more effect

on my customers (and I had a few) than water on a duck's back. One customer brought another and before the end of the first year, 1908, all seven rooms on the top floor of 76 Fifth Avenue were occupied by my clerks.

Occasionally one of my former "classy" partners would drop in and take a look. If he wanted a job he could have one. Those who did not accept executive positions opened speculative accounts.

In the conduct of my business I made it a rule to give no references, that is, refrained from referring anyone to my friends. If a prospective customer insisted upon knowing a little something about me I would send him to Police Headquarters. Why such customers after calling at 300 Mulberry Street returned and handed money to my cashier is a mystery.

It may be that there are more upright men on the force than I had imagined. However, one man told me he would not believe a police officer under oath. If he spoke well or otherwise of me it would not affect him. He wanted bank references, \$5,000 was \$5,000 and it was his custom before transacting business to receive satisfactory bank references.

"Are you not aware," I inquired, "that the worst persons frequently give the best references—that it is part of their profession to have such on tap?"

No, he did not know it or believe it. A week or two later I sent this "business man" a letter of introduction to the President of the East River National Bank—a bank in which I still have and have had an account since February 14th, 1901. Two days later he called and offered me five thousand dollars which I told him to put back in his pocket.

"Before accepting that money" I said, "Let me tell you why the President of the bank

spoke in such high terms of me. After our talk the other day I withdrew from the Union Trust Company forty thousand dollars on which I was receiving two per cent. interest and deposited it in the East River Bank without interest. I then turned in my passbook to be balanced. In a few days I called for it and saw that the balance had been brought down and footed in red ink. In years gone by my balance in this bank had not exceeded two dollars. I had kept the account alive by not drawing the last penny. The President did not know me and did not care to know me, but you demanded bank references so I introduced myself. He inquired my business —his manner seemed abrupt but I was prepared for such a reception—I had my passbook. I told him I was a depositor and handed him my book which he opened in a dilatory way until his eye caught sight of the balance—forty-one thousand seven hundred dollars. I was offered a chair—a comfortable one—I told him I had never overdrawn, had never asked to have my paper discounted and desired no accommodation now. I merely wanted him to know I was conducting a stock brokerage business. "Is that so," he said. "Yes," said I, "and occasionally some business man comes along who wants bank references; and while I may never trouble you, if I should send a prospective customer here, I would like you to say that my dealings with your bank have always proved satisfactory." "Why, certainly, certainly, Mr. Flagg, send them along," he said. "And I sent you." My prospective customer seemed to be in a studious mood. So I continued; "If you care to interview a few more presidents give me a little time and I will fix up some A-1 references for you."

Instead of five thousand dollars that customer, Mr. Edward McVicker, put up ten thousand.

Nobody loves a hypocrite. Never be afraid to pass out the truth.

In 1909, I received a letter from the Union Square Branch of the Corn Exchange Bank requesting me to close my account.

"What is the matter with it," I asked, "is the balance too large?"

The manager could not tell. He had received orders and must obey orders. I left carrying a bundle containing sixty-two thousand in cash. Not wishing to linger in the streets with so valuable a package I walked across the Square to the Bank of the Metropolis and told the President, whom I had never before met, that I would like to open an account. It may have been that my clothes needed pressing that led him to remark while scrutinizing me that they did not accept accounts carrying a balance of less than five hundred dollars.

"That part will be all right," I said, "as I rarely deposit less than fifty thousand dollars at a time."

"Fifty thousand—did you say fifty? And what is the name?"

I told him.

"Flagg—Jared?" He had heard the name somewhere—he thought.

"And to whom can you refer us, Mr. Flagg?"

"To your neighbor across the park," I said; "The Corn Exchange Bank. They have just kicked my account out—it was too good—I was carrying too large a balance."

"And are you willing I should telephone over?"

"I am referring you to them," I said.

In less than ten minutes the receiving teller

of the Bank of the Metropolis was at work counting my bundle. And from that day to this my business relations with this Bank have been cordial.

Later in 1909 the old Pond's Extract Building was pulled down but it was not until the roof was partly off that I moved into new quarters—the Tilden building—105 West 40th Street.

In 1910, the business boomed. To turn half a million dollars' worth of stock in a day was nothing extraordinary.

In 1911, the business of its own momentum forged ahead even faster. I now had eighty bookkeepers and over seven hundred customers who had made and withdrawn from me in profits almost three quarters of a million dollars; and there was no reason why they could not have continued to make money had not a lawless gang of men, "armed to the teeth," swooped down (September 23d, 1911) and wrecked my office and kidnapped me.

Because the Government, thinking these men trustworthy, had hired them the newspaper reporters took it for granted that it was, and announced it as, a governmental raid, thereby creating a false impression—that I was legally raided by the government.

Why did these men abduct me?

At the time, 1911, I could not answer this question, nor could I at my trial, three years later. I could surmise but could prove nothing—the conspirators would not talk. However, now (1915) I can answer.

My answer:—In 1908, I was in the stock brokerage business. Prior to 1908, an article had appeared in the New York World to the effect that I had been adjudged guilty of renting flats to immoral persons. As I had been acquitted of this charge (see court records re-

ferred to in Part I. Chapter 3) I instituted a fifty thousand dollar damage suit. This suit dragged along until 1911. It then appeared on the "Calendar" and Ralph Pulitzer and the other owners of the New York World to be forever rid of this suit bribed—with money—Warren W. Dickson, at that time, 1911, the chief post office inspector of this district to kidnap me and proclaim me as one engaged in a fraudulent business.

Anything vague about the foregoing answer? Do you think Pulitzer and his puppet, Dickson, understand my English? If so, were it not so, why am I not indicted for libel?

Mr. Dickson delegated his first deputy post office inspector, Elmer L. Kincaid, to engineer the abduction.

In an affidavit made by Mr. Kincaid shortly thereafter he stated:—

"The sources of deponent's information are his official investigations to disclose the details of which at this time would be injurious to the government's case."

That the "details" would have been "injurious" to the government's case had they been "disclosed" can be seen by the following affidavit not made at that time, but made four years later, 1915, at which time Mr. Kincaid having lost his job as a post office inspector could afford to speak the truth.

"State of New York,  
ss.:

County of New York,

Jared Flagg, a resident of the Borough of Manhattan, New York City, N. Y., with an office at 105 West 40th Street, being duly sworn deposes and says: March 9th, 1915, I called at the office (110 West 40th Street, New York City) of former Post Office Inspector E. L. Kincaid and asked him if he could tell me why the Government raided me? He told me I would not have been

raided had I not instituted a fifty thousand dollar libel suit against the New York World. He said: "This suit of yours had been staved off for years, but a few months before we raided you it appeared on the calendar; your lawyer was pressing it for trial. The World's lawyer," Mr. Kincaid said, "called on Chief Post Office Inspector Warren W. Dickson, showed him the Court Journal in which your impending suit was recorded and told him the New York World wanted your concern raided before your suit was put over on the day calendar as it might then be too late to accomplish their purpose, to be rid of this suit." The World to convince Chief Dickson I was a hard character sent a reporter to the Federal Building with my old 1894 flat indictments. Later, according to Mr. Kincaid, Dickson notified the World's lawyer, that as no customer of mine had ever complained he could not make a requisition upon the Government at Washington for funds to defray investigating expenses. I would have to be investigated before the raid could be pulled off, otherwise it might look irregular. He said that the World's lawyer agreed to stand the expense; Dickson received cash at various times amounting in all to about one thousand dollars but he gave no receipts. How much went for expenses Mr. Kincaid does not know, but he received no part of the money—he says. Furthermore, he says, "The Government did not pay Mrs. Rand," a reporter for the 'World,' "but she reported to us. She furnished us with the names of your brokers. Weeks before the raid we received orders from the World to call on the Presidents of both Stock Exchanges and warn them not to permit their members to do business with you. I called and showed my badge. I also called on your brokers who told me you were conducting business properly." Mr. Kincaid told me that a few days before I was raided the World's lawyer became more insistent; he pounded Chief Dickson's desk with his fist and gave him to understand the World would not stand for another day's delay. "I had no alternative," Mr. Kincaid said, "I received my orders from the Chief and he expected to lead the raid,

but at the last moment decided to go out of town and place everything in my charge." He continued: "You were raided without being investigated, but by having you raided the World accomplished its object. You paid the court fees and cancelled your fifty thousand damage suit."

JARED FLAGG.

Subscribed and sworn  
to before me this 19th  
day of April, 1915,  
E. H. McCulloch.  
Notary Public, New York  
County, No. 2690.  
Register No. 6062."

Henry A. Jackson, who was present when I had my interview with Mr. Kincaid, signed a similar affidavit.

And thus endeth the mystery!

Remember, I did not know this at the time of my trial, but now know had I not committed this "crime"—the "crime" of instituting this libel suit against the New York World—I would not have been kidnapped.

## CHAPTER II

To those not having been brought into close touch with humanity this declaration made by this ex-post office inspector may seem startling; but to others, who know something of the frailties of human nature, something of the temptations to which men vested with governmental power are exposed, it may not seem so surprising.

It is the desire of most post office inspectors to become great detectives, and most of them possess sagacity sufficient to realize it is not what they do but what the newspapers say they do that leads to promotion. Apparently, their only chance of making a name is in having their names appear in print, "Zealous, self-sacrificing, protectors of the people."

Did Chief Inspector Dickson surmise that to lead with drawn revolver a spectacular raid on a prominent brokerage establishment might bring his name before the public? Did he entertain a lurking impression he might be commended by the morning and evening editions of the World for his shrewdness, bravery and devotion to duty, if in my case he failed to do his duty? And did he apprehend that if in my case he stood out determined not to betray the confidence reposed in him by the people the great Metropolitan Journal, the World, might level its influence at him; might accuse him of unfitness—negligence—incompetency? Was this why he deemed it wise in my case to violate his oath of office and yield to the demands of the New York World's lawyer? Or

was there a reason more potent? Expenses were paid in cash and no receipts given. Why were checks not used or receipts required? Someone, sometime, may have to answer this question.

Even granting corruption exists in certain departments of our Government many say they cannot see how a newspaper could by adopting this roundabout course hope to escape the consequences of a damage suit. It's unreasonable, they think. And yet for this very reason —unreasonable reason—this course was adopted.

To win I knew (and they knew) I would have to show my reputation had been injured. How could I show this if I had no reputation? If indicted by the Government my good reputation would be gone. This is why Pulitzer wanted me indicted. That he felt his chances of winning slim had my suit been heard in a court of law before I had been indicted goes without saying. His lawyer undoubtedly told him he had no case. Three times he changed lawyers. Was it to find an unprincipled one? Some are honest. Not all lawyers are legalized blackmailers and licensed thieves—it is said. Was it to find one willing to connive with him to evade the law that he changed so often? He knows but won't tell.

To mislead the people, to make it appear he was actuated by a desire to serve the people he, three days after I was convicted, as per the World, November 18th, 1914, gave himself credit for having instigated the raid which resulted (as he published) "in bringing Jared Flagg to justice." As a matter of fact his only desire was to defeat the ends of justice by preventing me from bringing him to justice.

Dickson and Kincaid timed the abduction to a nicety. The bond clerk takes an outing

Saturday afternoons; so to make it impossible to have bonds accepted until the following Monday they kidnapped me Saturday. Why did they want to keep me under lock and key forty-eight hours? I know, but before the reader can be expected to understand their motive, before he can comprehend the things that transpired during this interval, before he can believe things that seem unbelievable, he must have some conception of the power conferred on these officers. A post-office inspector could with impunity commit almost any crime. He could in broad daylight walk into any office "armed to the teeth" and with a jimmy pry open any American citizen's cash drawer and help himself to its contents. I have had this done to me and the money, one hundred and forty-two dollars, has never been and I do not imagine will ever be returned. This drawer was constructed in one of my Herring-Hall Marvin safes, and it shows the marks of the jimmy, the splintered wood, the lock broken and partially pried off.

Post-office inspectors in those days, when armed with pistols, were not afraid to help themselves to anything they could lay hands on. I was in the Tombs when they cleaned out my brokerage office but W. F. O'Neill, superintendent of the building, has signed an affidavit stating he saw them fill forty or fifty United States mail bags with my effects and cart them away.

From my stolen books they compiled a list of customers and turned them over to a law firm. I had not been in the Tombs three hours before Bovie & Wilson, attorneys-at-law, 3 Broad Street, New York, had a list of the names and addresses of my customers.

Saturday evening, September 23d, 1911, all Sunday and the following Monday while I was

in the Tombs powerless to protect myself and kept there for this reason, this firm and their clerks were calling on my customers, urging, begging and advising them to sign a petition to throw me into bankruptcy. To accomplish this only three signatures were necessary. And so eager were the postal authorities to have a receiver appointed they instructed these men to tell my customers that my business was a swindle, that I was in jail and that two customers had already signed whereas not one had signed.

In a case of this kind when a solvent person has been raided without cause the postal authorities will, if they can with the aid of a tricky law firm, force him into insolvency. Their hidden desire is not only to injure the solvent person's customers and so antagonize them against him but to ruin him financially. If they can do this, leave him without funds to defend himself, to retain lawyers and to defray necessary printing bills to carry his case up on appeal, he will be as helpless as a rabbit in the clutches of a boa-constrictor.

The impression that before a post-office inspector could arrest a man it was necessary, because the law so stated, to have some judge sign a warrant was all bosh. Without a warrant, without evidence of guilt, without the semblance of an investigation I was handcuffed, my books ransacked and my property stolen.

In a small gold frame was a picture of my dead mother. The picture not being convertible into cash was torn in two and left on my desk but they stole the gold. Hence, it would seem no crime was too great, too petty, too contemptible, for these inspectors to commit.

The New York World, March 12th, 1912,

quoted Chief Post-office Inspector Dickson, as follows:—"Uncle Sam invests us with ample authority. We can go as far as we like, batter down doors and pry open desks." So in addition to my word for it you have this official's word.

Now, the next few days—was there anything doing?

There was.

Public sentiment is the strongest influence in the world. Guilty or not guilty no man can stand against it. Newspapers mould sentiment. Post-office inspectors and government prosecutors know this. And whenever an innocent man is marked for conviction those in the plot start a newspaper campaign against him and endeavor in every conceivable way to besmirch his character. If previously the recipient of newspaper notoriety it is easy by adding more coals to inflame sentiment against him. So far-reaching, all powerful, is this subtle influence that the battle is won before it begins if the community and press unwittingly are with the conspirators and against the accused person. To turn sentiment against me no stone was left unturned. Government officials gave out interviews and made statements knowing them to be false. Chief Dickson, in a page interview with a Herald reporter, after recording how courageous he was, having "often been under fire when running down safe blowers and yeggmen," added: "The Jared Flagg outfit was about as dangerous as any band I ever tackled."

How brave was he? What happened at the moment of the raid? I heard no commotion and when I looked up saw a man with a revolver standing in front of the desk at which I was writing. He blurted out: "You are under arrest." The next moment the place

was alive with detectives and police officers. I have never carried a pistol and it is safe to assume that none of the young women book-keepers were armed. What show would I have had had I attempted to resist being kidnapped?

There were six doors leading into my office and two officers were stationed at each entrance. Four guarded my safes. Interest, however, centred in the private office; here there was standing room only. Armed men were behind, in front and on each side of me. As soon as I collected my wits I reached for a telephone but was pounced upon. "Can I not communicate with my brother; I want him to go my bail?" I asked. "You'll get no bail," was the reply. I proceeded to open the humidor intending to light a cigar but the key was snatched from my hand. My handkerchief was in my hip pocket and when I was about to draw it two officers with vise-like grips pinioned my arms behind me thinking I intended to pull a gun. When satisfied I was not armed they released their hold and I casually reached for a telephone to call up my lawyer, but was prevented from doing so by an officer with a physique who with an oath said: "What is the matter with you— are you looking for trouble?" "What is the use of looking for something I have already found?" I asked. His manner changed, he even went so far as to compliment me, that is, intended it as such when he assured me I was "no piker." "Well," said I, "If I cannot telephone; cannot smoke; cannot even blow my nose, may I eat?" That little word produced its effect. I could eat, but they would have to go with me. Fourteen officers convoyed me to lunch and judging from the bill presented me not a man among them was troubled with indigestion. I took

them to "Browne's Chop House" and later they took me to the Tombs via the Federal Building.

Two or three days thereafter Postmaster-General Hitchcock was reported in the Washington and New York papers as having commended the Chief and his men for their bravery.

United States Marshall Henkel, October 29th, 1911, in a page article in the New York World, knowing no more about the intricacies of a stock broker's business than a coal heaver might know (this is no reflection on the heaver) compared my establishment to a "520 per cent Miller Syndicate."

First deputy Post-office Inspector Kincaid, six days after the abduction, before I had had an opportunity to say a word in my defense, signed a printed circular carrying with it the authority of the Government and mailed it broadcast over the country proclaiming me a fraud and a swindler.

With these misleading, lying manifestos embedded in the minds of the people from whom my jurors were to be chosen, he and the others sanctimoniously talked about according me an impartial trial.

Before the indictment on which I was to be tried had been found, before the Grand Jury had been impaneled—the Jury which was to decide whether or no I should be placed on trial—these officials to arouse the people against me and incidentally to advertise themselves inaugurated this newspaper campaign in which the aforementioned and many other exquisitely illustrated effusions were circulated, not only in all the cities but in many towns and hamlets throughout the country.

Throw dirt at a man—keep throwing it—and in time people will begin to think he deserves it.

Having made it impossible for me to prosecute successfully the owners of the New York World by illegally arresting me it then became imperative in order to make it all seem straight that an indictment should be found. The people already incited should now be given an opportunity to accuse me of having used the mails with intent to defraud. And to avoid the possibility of a miscarriage of injustice and to make it appear beyond peradventure to be the duty of the people to so accuse me, someone must be found to appear before the representatives of the people, the Federal Grand Jurors, and swear I "intended" to defraud him. As no one had been defrauded no customer of mine would complain. It was, therefore, up to Chief Dickson to produce someone who would. His first assistant, Elmer L. Kincaid, suggested Bertha L. Bentley of Corry, Pa., the town from which he (Kincaid) came. She, a life-long friend of his, would accommodate him. He did not like to ask her, he told me so himself, but he had a family to support and his position was at stake. Besides, the Chief was his friend. The Chief was in a "tight box," had sold himself to the New York World for money, and he felt it his duty to protect the Chief's incorruptible reputation. Whereupon, the dear, good, old soul, Mrs. Bentley, raised her right hand and swore: "So help me God! Jared Flagg 'intended' to rob me." She did not know me, had never seen me, was never in my office, was never asked to send me a dollar, never did send me one, never intended to send me one; and her only reason for taking the oath, she said, was to accommodate her old friend, Elmer. "If I caused anyone any inconvenience I am very sorry"—she said.

Can you beat it?

The Chief having now performed his duty as

the New York World saw it, Henry A. Wise, at that time United States Attorney, forthwith turned the case over to Assistant United States Attorney, Claude A. Thompson, to prosecute.

This young man never having had his name prominently before the public was elated over the prospect of distinguishing himself by sending a well known man to jail.

The charge against me was not that I had committed a crime, but that I "intended" to commit one.

Prosecutor Thompson, by insisting he knew more about my "intentions" than I knew myself, prevailed upon the authorities in Washington to place at his disposal thousands of dollars with which to work up a case against me. He had no animus against me but this was his first big case, the opportunity of his life, and if by any ruse he could beguile a jury into believing a crime had been contemplated, even if not committed, he would be promoted and applauded as a fearless public prosecutor —his future would be assured. It pained him to raise himself up by pulling me down but: "I must do my duty"—he said.

On the eve of the day he was placed in charge of the case, before he had had time even to examine the papers, he wrote to his sister in Tonawanda, N. Y. that he now had the "chance of his life."

Would an individual capable of being actuated by such an ambition be likely for any reason to forego that which he considered to be the opportunity of his life?

Knowing nothing at that time of his vicious nature I called on him. Eventually I called on officials higher up, but the only satisfaction I received was that the matter would be investigated—would be referred back to Mr.

Thompson with instructions to investigate himself and report the outcome of the investigation to himself.

Finally, incensed beyond endurance, I wrote and published a pamphlet entitled "The Flagg Raid." In this booklet I told them what I thought of them and their methods of dispensing injustice. I also told Thompson what I thought of him and his method of investigating himself. And I closed the last chapter by saying: "that if any one of them could show me a dollar ever taken from money belonging to one customer and sent to another, or if they could show me a dollar ever sent to a customer not honestly made on Wall Street, or if they could point to a bucketed, bogus, fictitious, or crooked entry of any kind on my books from the day I started, January 2d, 1908, down to and including the day of the raid September 23d, 1911, I would go before any judge they might name and plead guilty on the spot."

Sixty-two thousand copies of this booklet were printed by the Charles Francis Press. A copy was mailed to every lawyer in Greater New York and Washington, D. C. Also to every postmaster,, congressman, senator, and high office holder in the United States. Many copies were sold on news-stands especially at the Park Row Building, in which the offices of Claude A. Thompson were located; and if it was the ambition of this young man's life to convict me before the point of my pen had pricked him can you imagine his aspirations after it had commenced to puncture him?

"Within thirty days I shall have Flagg eating on tin plates in Atlanta"—he said. But my confidence in the people was then, and is now, sublime. I have always found that the people as a whole believe in fair play. And I knew

that when the people knew the truth no jail  
in this country would be strong enough to hold  
me.

## CHAPTER 12

Thirty days passed—a thousand days passed—during which time Prosecutor Thompson poured out the people's money. He engaged several accountants and after they had worked three years on my stolen books making, under his direction, straight entries appear crooked, and after discrediting my most important witnesses by having them indicted, and after devising and revising one hundred and forty-two lies, as itemized in my "bill of exceptions," he finally felt prepared to trick a jury into rendering a verdict against me.

My case forthwith was called for trial and his ambition, my conviction, was achieved.

In his opening address he informed the jury I had obtained money under false pretenses by misrepresenting my business; and to prove it would place customers of mine on the stand. He did, but instead of testifying against me they testified for me.

The New York Sun at the time, October 23d, 1914, published that the Government witnesses in the Flagg Case proved to be satisfied customers. The New York American, same date, page 7, column 3, made a similar statement, also other papers.

But had a thousand testified for me it would have done me no good. I was indicted—that settled it—that meant, that means, guilt in the minds of judges, jurors and people at large.

Not one person in a thousand will or can draw a distinction between an indictment and

a conviction. Even intelligent jurors regard an indicted person a guilty person and the word of a person considered guilty carries no weight. An assertion unsupported by evidence when made by a government prosecutor carries more weight owing to the prestige of his position than any amount of evidence an indicted person can submit, owing to the stigma of his position.

To discredit testimony that was to be given in my favor Mr. Thompson had ten men indicted—my ten most important witnesses because they had been associated with me in the business and could of their own personal knowledge swear the entries in my books had been honestly made. When he stigmatized these men, blasted their lives knowing they were honest—just as honest as you, the reader, when he filled the lives of their wives, sons and daughters with humiliation, sorrow and tears, he committed in the name of justice a crime tended to fill the souls of decent men and decent women with detestation and horror.

My lawyer John M. Coleman says:—"The crimes committed by Claude A. Thompson and his little hallowed coterie of mercenaries, representing themselves as the whole United States Government of America, rise mountain high above the crimes charged against Jared Flagg even though he were guilty."

Before the trial I wrote to Thompson's superior—United States Attorney Marshall—that these men had had no voice in the management of the business and if any person was to be blamed I alone was that person.

On the strength of this letter Marshall wrote my lawyer, that he would dispose of the indictments but not until the out-come of my case had been settled. Which in plain English meant that after the indictments had served

their purpose by creating the false impression in the minds of the jurors that my ten most important witnesses were criminals—unworthy of belief—the indictments would then be quashed. This he did. As soon as I was convicted the make-believe criminal charges preferred against these men were dismissed, as the court records show.

Would anything so unfair be tolerated at a prizefight, dogfight or cockfight? Hardly! The shining lights of the scum of creation would not stand for it.

Prosecutor Thompson asserted that the money my customers withdrew as profits did not come out of Wall Street but out of the principal, and that he could prove it; and when he failed to do so, I, believing at the time, as per the law, that the burden of proof rested with the prosecution, did not refute, as I could and should have done, his assertion. I should have said to the jury: Gentlemen, you have heard his assertion. Now I am going to produce witnesses to prove where every dollar of the six hundred and eighty-seven thousand dollars my customers withdrew from me came from. I am going to the vitals of this matter; not one dollar is going to be over-looked; I am going to begin at the beginning; I am going to subpoena the exchange member from whom the first lot of stock was purchased, then the exchange member to whom, at an advanced price, it was subsequently sold—the difference between the price paid and price received will show you where the first profit came from. Then I am going to call your attention to the next transaction; subpoena the next exchange member, and next, and so on until all the thousands of transactions made by my customers during the years in which they operated through me have, in the same manner, been

analyzed, verified and sworn to by reputable, disinterested, witnesses—New York Stock Exchange members. It was my "day in court" and had I insisted upon adopting this line of defense I could, in spite of all objections, have forced my acquittal. By relying on the law and closing my side of the case without in this way refuting his assertion I made the mistake of my life—he took advantage of my blunder and won out.

Few appreciate all that it means to a Government prosecutor to win a big case. It means far more than money.

Prosecutor Thompson prided himself on being a component part of the Department of Justice, and would be the last one to sell himself for money—the bills might be marked—but for promotion, rank, honor and social distinction, he was not only eager to, but did, sell himself body and soul.

From start to finish he lied to my jurors knowingly. He appealed to their intelligence expecting to profit by their ignorance, well knowing they were unacquainted with the intricacies of financial bookkeeping. If he could flim-flam them into believing me insolvent he knew I would be consigned to a living tomb and he would be awarded laurels galore. Spurred on by this ambition, just as he was closing his final summing up, he stepped forward with a roll of paper in his hand and said:-

"Gentlemen, I have here a statement prepared, under my direction, by Government Accountants. It shows the true condition of Flagg's affairs Sept. 23d, 1911, and I want you to take it with you to the jury room, I want you to examine it, ponder over it, and bring in a verdict in accordance with the facts which it reveals."

My lawyer, John M. Coleman, objected on the ground that the statement was absolutely false. "In that it represented the broker, Mr. Flagg, to be the speculator; that it charged up to him the shrinkages in his customers accounts —amounting to over five hundred thousand dollars—whereas, his customers were responsible to him for these shrinkages; that they had put up as margin over one million dollars in cash for the express purpose of protecting him against such shrinkages; that in law, and in equity, and in all justice, Mr. Flagg was only responsible to his customers for their credit balances. Mr. Flagg was not running a bucket-shop or conducting a discretionary pool. He was simply executing signed, specific, orders, just as any other stock broker would execute specific orders."

The Court, assuming the foregoing objections to be immaterial, over-ruled lawyer Coleman, and allowed the jurors to take the pernicious document to the jury room, and they did.

Nothing could have been further from the truth than to say this statement showed the true condition of my affairs.

Part of the truth is often a stupendous lie, and only part of my assets were revealed in this statement.

Had the members of my jury been impaneled from members of the Stock Exchange or their clerks or from my own customers, the vicious nature of the statement would have been quickly detected. They would not have wasted hours in "pondering" over a trial balance sheet that debited a stock broker with money he did not get—the shrinkages in his customers margins. If that was the lawful way to do it there would not be a solvent commission house broker on all Wall Street. But

Thompson, the accredited representative of the people, "got away with it."

Not one of those twelve men, on my jury, understood the statement to be, or realized that it was, a deliberate fraud, perpetrated by agents of the United States Government, banded together in a conspiracy to deceive them. They knew it simply as a Government Exhibit and thought it honest. And after examining it, and pondering over it for hours, they very naturally brought in a verdict in accordance with the lies which it did not reveal to them.

"Guilty!"—the foreman said.

And then what?

Flowers were placed on Mr. Thompson's desk—friends complimented him—the "New York World" lauded him—the government rewarded him, raised his salary to one hundred dollars per week and promoted him to first assistant United States Attorney of the southern district of New York.

And then what?

Then he was miserable.

Before and during the trial he seemed devoid of moral sense; but after his triumph the "still small voice" commenced to haunt him; he could not sleep; something must be done. He went to a sanitarium; but there he evidently endured the agonies of the damned; instead of gaining he lost thirty pounds.

It is too bad he took his "victory" so to heart. I had no intention of "eating on tin plates," and was not in jail a minute. I was out on bonds.

Abducted, indicted, tried, convicted, sentenced and knocked down in the first round, I was coming back "strong" in the second. This should have eased Mr. Thompson's conscience. In a way it was a consolation to my

jurors who realized when too late that they had been flabbergasted into pronouncing me guilty. To a man they wanted to see their verdict reversed by the higher Court.

If any person questions this let him communicate with them.

Their names and addresses follow:—

|                               |                          |
|-------------------------------|--------------------------|
| Henry J. Barrett.....         | 2072 Fifth Ave.          |
| Wm. H. Warburton.....         | 371 West 117th St.       |
| John E. Donovan.....          | 301 West 46th St.        |
| E. Nelson Sims.....           | 19 East 198th St.        |
| E. Stacey Nelson.....         | 15 West 38th St.         |
| Thomas M. Cahill.....         | 233 East 23rd St.        |
| Frank D. Mullen.....          | 1 Madison Ave.           |
| Wm. M. Eurbler.....           | 17 Beekman Place         |
| Joseph Ringler.....           | 858 East 169th St.       |
| Felix F. Wiener.....          | 50 Church St.            |
| Henry Fallerius....           | 4 Travers Harbor Heights |
| Charles A. Whipple.....       | 58 West 57th St.         |
| (all of the City of New York) |                          |

One juror wrote as follows:—

"Dear Mr. Flagg:

At your trial I was Juror No. 12, and voted to convict, but since the trial, have become convinced you are not guilty, and fear I have done you a fearful injustice, and wish to do all I can to correct my mistake.

Very truly yours,

C. A. WHIPPLE"

Another Juror, No. 9 Joseph Ringler, wrote:

" x x I was unable to understand the great number of figures submitted and so voted to convict."

This is what is called giving the defendant the benefit of the doubt.

My customers also wrote. I received over six hundred communications, every one of which is signed and reads as follows:—

"Jared Flagg,

Despite the fact a jury has adjudged you guilty, I, a customer of yours, still believe you to be innocent. You have not defrauded me and I do not believe you ever intended to do so."

Do these letters mean anything?

Do these signatures signify anything ?

To be indicted, convicted and sentenced—as a swindler—and then to have men—men who had put up with me in cash over one million dollars—to have them—the very men whom I was charged with having swindled—to have them rise in a body and, over their signatures, make a declaration of this kind—does it mean anything?

If I say it myself, it is the most remarkable tribute, the most magnificent endorsement, a person in my position ever received.

## CHAPTER 13.

No man is beaten until he acknowledges defeat. I had been "knocked down" but not "out." It took the Government five years to admit this—to admit that in my case it had made a mistake.

Five years after I had been kidnapped the Judges of the United States Circuit Court of Appeals unanimously branded the raid an illegal act as follow:—

x x "We prefer to rest our decision upon the broad ground that the Constitutional rights of the defendant," Jared Flagg, "were violated by the unlawful seizure of his books and papers by officers and agents of the United States acting without warrant or pretense of legal authority."

"The judgment is reversed."

This reversal did not free me. And any person who says: "Oh, well, he got off on a legal technicality, but he must have done something or the Government would not have raided him," is a coward. He kicks a man when down. Whether through stupidity, suspicion or maliciousness the result is the same—the kick hurts.

A man who is always suspicious of others gives you a very good line on himself. But who can tell what a stupid person will do to you? He may "put a nail in the coffin" of his best friend and think he has done him a favor. A stupid man is just as dangerous as a malicious one. Some persons imagine they

are doing me a good turn by telling people I got off on a technicality when I was not off—when the Circuit Court Judges did not let me off. They sent my case back to be tried—honestly. And pending said trial they held me under bonds—fifty thousand dollars—all of which is a matter of record.

Take the record.

First round: (dishonest trial) Defendant struck "below the belt"

Second round: (dishonest trial made void) One "knock down" scored by the defense.

Third round: (indictments dismissed) Prosecution "knocked out"—as will hereinafter be set forth.

Now, therefore, with a clean bill of health and an unblemished reputation I am once more back in the stock brokerage business. I use the word "unblemished" because my reputation has withstood the acid test of slander without becoming tarnished.

Thousands have slandered me unintentionally—have insisted that I not only was raided but convicted by the Government. They had read it in the newspapers and thought it true; but there is no truth in it.

According to the mandate of the United States Circuit Court of Appeals—next to the highest in the land—do not lose sight of that little fact—I never was raided—never was tried—never was convicted—never was sentenced.

My stock brokerage office was not raided by the Government. It was burglarized by officials acting without legal authority and in violation of the law.

My books were not seized by the Government, but stolen by officials acting without legal authority and in violation of the law.

I was not arrested by the Government, I was kidnapped by officials acting without legal authority and in violation of the law.

Because of these unlawful deeds committed by these official brigands, I was in the name of justice heralded throughout the land a fraud and a swindler.

Because I was, "without warrant, without pretense of legal authority," thus represented all creation sneered at me. But now the Federal Court Judges have reversed all this and have condemned those who had condemned me—to suffer. To undergo prolonged suspense is to suffer.

After my abduction in 1911, they kept me waiting three years before bringing the matter to trial; then it took two more years to make them admit it was no trial; and another year before it pleased the United States Attorney to exonerate me by withdrawing the charges which, from the time they were made, he knew could not be sustained; and which the Chief Post Office Inspector knew were spurious before they were made.

During all that time, dating from the day that band of armed men dashed into my office and kidnapped me to the day my bail bonds were released—six long years—prison bars, day and night, Winter and Summer, had loomed before me.

You, "gentle reader," do not know what that means. It might to a sensitive soul mean nervous prostration—he might lie down and die. But not I. My ancestors fought in the Revolution, and no Flagg was ever known to "lie down."

I do not want to fight. I want to live in peace; but I am an American citizen, and if attacked will give them "all that is coming to them."

Every federal, like every city, official who ever attacked me, whether for money or its equivalent, self-aggrandizement, has either been reprimanded and suspended or requested to resign.

Police Captain Donohue said I had committed a crime; but was afraid to take the stand and say so under oath. He was reprimanded and suspended.

Police Captain Price said I had committed a crime, but when invited to step up in court and prove it, tip-toed his way out. He also was reprimanded and suspended.

License Commissioner Bogart said I had committed a crime, and to prove it produced a forged copy of the court records which I showed to Mayor Gaynor. The very next day at the Mayor's request Bogart resigned.

First Deputy Assistant Post Office Inspector, Kincaid, said I used the mails with "intent" to defraud. Now he is engaged in the perfumery business.

Chief Post Office Inspector, Dickson, said I "intended" to commit a crime, but as he had committed one—had accepted a bribe—upon request he resigned.

Assistant United States Attorney, Thompson, said even if no crime had been committed that made no difference. It was not what I had, or had not, done, it was what I "intended" doing; and so sure was he that at some future time I "intended" doing wrong, that he induced two so-called "expert government accountants" to commit perjury to convince the court he was right. Now (1917) upon request, he also has retired to civil life.

It was in this last year, 1917, when I stepped forward for the third round (the trial) that I discovered there was to be no trial.

If they would have to try me honestly they would not try me at all.

If they were discredited and, therefore, not to be given the benefit of every doubt; and if the burden of proof was not to rest with me, the defendant; and if a new trial would only result in incriminating themselves, why have a trial?

Whereupon, United States Attorney Marshall told the court he would not have a trial. He could not try me, he said, because the Circuit Court of Appeals had decreed that my books had been unlawfully seized; and he could not, therefore, use them at a trial to prove guilt.

But that was not the reason—that was only a subterfuge.

At the very time he made this excuse to the court my books, as per the Chancery Court files, were on public record in a civil case; and could, therefore, have been subpoenaed and lawfully used by him at a trial and he knew it—even knew exhibits from his office were being used in this civil case.

But were this not so; were all the foregoing facts untrue; even then he would not have dared to confront me again in a court of law; because he knew I had, from bitter experience, discovered that the burden of proof rested with the defense, not—as the law states—with the prosecution.

I should have expelled—should have disproved—beyond doubt—beyond all unreasonable doubt—every charge—every assertion—every insinuation—made by the government prosecutors.

This, they knew I now could, and now would, if granted a new trial, do.

I would be vindicated. I would have to be vindicated—trial or no trial.

Would they not, therefore, be wiser to vindicate me by withdrawing all charges pending against me, rather than to accord me a

trial by jury which would result in incriminating them and in vindicating me?

That was the question. The question they would have to determine.

It would be painfully humiliating but safer for the United States Attorney to do the vindicating quietly, when I was not around; rather than to have a jury do it, and incidentally hear my lawyer's voice ringing throughout a court room (filled with newspaper reporters) denouncing, and incriminating, him.

That, to him—to his finer sense of justice—would be repugnant.

So what did he, the "Honorable" H. Snowden Marshall, do?

Just after Congress had reprimanded him, and just before he was impelled to pass in his resignation; he sneaked into court without notifying the people—the newspapers—my lawyer—or me; and to let himself down as gently as possible, took back—took back as per the following photographic copy of the records—every accusation—made against me—by having every indictment—found against me—dismissed.

And such are the "crimes" of

JARED FLAGG.

At a Stated Term of the District Court of the United States, for the Southern District, of New York, held at the United States Court Rooms, in the U. S. Court House and Post Office Building, in the Borough of Manhattan, City of New York, on the 6<sup>th</sup> day of April, 1872, in the year of our Lord one thousand eight hundred and seventy-two.

Present:

Honorable E. C. Lathrop, District Judge,

United States }  
James T. Farley }  
Paris Teagle. }

On motion of the United States Attorney, and in consideration of his right, it was  
Ordered that a bill of costs be  
entered as to both contestants.

An extract of the document.

Alfred G. Chapman  
Clerk



DATE DUE

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